The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the adjournment of the Senate over until 10 o'clock tomorrow morning, the Secretary of the Senate be authorized to receive messages from the House of Representatives.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m. After the two leaders have been recognized under the standing order, the following Senators will be recognized for not to exceed 15 minutes each and in the order stated: the junior Senator from Florida (Mr. CHILES) and the senior Senator from Wisconsin (Mr. PROXMIRE).

Following the recognition of the two Senators under the orders previously entered, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The pay resolution will be called up during the day, and in all likelihood immediately following the period for the transaction of routine morning business.

Under the law, the time for debate on that resolution will be limited to 2 hours and no amendments may be offered thereto. The resolution is not subject to any motion to recommit, nor is a motion to reconsider the vote thereon in order. There will be a rollcall vote on the adoption of the resolution.

ADJOURNMENT TO 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 16 minutes p.m.) the Senate adjourned until tomorrow, Thursday, October 7, 1971, at 10 a.m.

NOMINATION

Executive nomination received by the Senate October 6, 1971:

U.S. NAVY

Rear Adm. Kent L. Lee, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 6, 1971:

DIPLOMATIC AND FOREIGN SERVICE

Malcolm Toon, of Maryland, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Socialist Federal Republic of Yugoslavia.

U.S. COURT OF MILITARY APPEALS

Robert M. Duncan, of Ohio, to be judge, U.S. Court of Military Appeals, for the term of 15 years expiring May 1, 1986.

HOUSE OF REPRESENTATIVES—*Wednesday, October 6, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

God has not given us the spirit of fear: but of power, and of love and of a sound mind—II Timothy 1: 7.

Almighty God, our Father, in whose hands are all the nations of the earth, grant to them Thy guidance and Thy wisdom that they may prosper in promoting the welfare of their citizens and the well-being of mankind. Grant that all people and all races may feel their kinship with each other since all men are Thy children.

We pray especially for our own beloved Nation, set amid the perplexities of a changing order and face to face with new and challenging tasks. Deliver us from hatred, jealousy and ill will. Stimulate within us the spirit of justice, tolerance, and friendliness. Unite us as a people that we may work together for our own good and for the good of all mankind. May wars soon cease and the day come when there will be in reality peace on earth and good will among men.

All this we ask in the spirit of the Prince of Peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

STEED-LENT ANTIBUSING DISCHARGE PETITION

(Mr. DOWNING asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. DOWNING. Mr. Speaker, I take this time to advise my colleagues that the Steed-Lent antibusing discharge petition is now at the Clerk's desk and available for signature. I know this is a long rocky road to a distant goal, but it is the only route available to us.

I say to the Members, if forced busing has not reached your district yet, that is no reason not to sign this petition, because the forced busing will reach your district, and when it does you are in trouble. So I hope as many of my friends as possible will sign this Steed-Lent discharge petition.

PERSONAL EXPLANATION

(Mr. JAMES V. STANTON asked and was given permission to address the House for 1 minute.)

Mr. JAMES V. STANTON. Mr Speaker, the business of the Cuyahoga County Board of Mental Retardation, of which I am chairman, required that I return unexpectedly to Cleveland on Monday, October 4. Thus I was unable to vote on House Resolution 596, disapproving the President's action in postponing the Federal employees' scheduled pay increases. Had I been present, I would have voted "yea," for the resolution.

THE 1970 HANDGUN MURDERS IN TOKYO: THREE

(Mr. BINGHAM asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, in 1970 538 people were murdered with handguns in New York City.

In 1970 in Tokyo, a city almost half again as large as New York, how many people do you suppose were murdered with handguns? Exactly three.

This startling contrast was reported last Sunday in the New York Times. The article will appear in today's Extensions of Remarks.

Also in 1970 there were 74,102 robberies in New York City. In Tokyo—474.

According to Japanese police officials, the absence of handguns in the hands of the public is a key factor in keeping the murder and robbery rate down.

In Japan only the armed forces, the police, ballistic researchers, and sporting marksmen may have pistols, and their use is carefully regulated.

Mr. Speaker, when are we going to come to our senses and start moving in the same direction as the police commissioner of New York City is pleading with us to do?

TEXTILE QUOTAS

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, American jobs are at stake in the present textile negotiations with Japan. The future of our textile industry and the jobs of 2.3 million Americans are hanging in the balance. The good faith of the administration is on the line, in view of its repeated pronouncements that the textile industry is in a different category and is in need of special assistance.

The textile negotiations with Japan have reached a critical stage. The Japanese have manifested unprecedented hostility toward any meaningful agreement. I urge the President to stand firm and in-

voke quotas if an agreement is not forthcoming by October 15. In such action the President would have the support of a majority of this House, which passed the Mills fair trade bill last year. The Mills bill was introduced again on January 22 of this year and would have passed, but for the hope of a negotiated agreement. Mr. MILLS has assured us his bill will yet be considered should the Japanese fail to adopt a fair trade policy. We must not permit the Japanese to delay longer. We must not play politics and international flim-flam with an industry so vital to the defense and the economy of our country. We have been long suffering and patient in dealing with our Japanese friends. The time has come for forthright action.

SALUTE TO NATION'S 4–H CLUB MEMBERS

(Mr. MYERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MYERS. Mr. Speaker, I rise to pay tribute to more than 231,500 young people involved in 4–H programs in Indiana as we observe National 4–H Club Week.

As a former 4–H'er and member of the 4–H Council in Fountain County, Ind., I am proud to be among the more than 27 million men and women who once were active in the 4–H program in our Nation.

The 4–H theme for 1971, "4–H Bridges the Gap," is most appropriate for the more than 4 million boys and girls now enrolled nationally in this organization dedicated to positive involvement and community action programs.

One of the major attractions of the 4–H program, which makes it relevant in a constantly changing world, is its flexibility. While it was originally established as a rural-oriented organization, it has for the past two decades become increasingly involved in the small towns, metropolitan suburbs, and the inner city areas.

Today's 4–H program focuses on the young people of our Nation, wherever he or she lives, providing them with an opportunity for personal development into strong, conscientious, and dedicated citizens. Through individual projects, including agricultural projects, domestic skills, and citizenship training, 4–H'ers have the opportunity to learn by doing.

In observing National 4–H Week, I would be remiss if I did not emphasize the vital role the Cooperative Extension Service, volunteer leaders, parents, and businessmen play in the 4–H success story. Their selfsacrifice and personal involvement and the response of these young people reveal an important element that is often talked about but ignored in our society—two way communication is necessary to successfully bridge the generation gap.

Thus, 4–H does help bridge the gap between farm and city, old and young, rich and poor, and the races. I offer this special salute to all 4–H'ers this week. Your program serves as a model at home and abroad of motivating discipline and responsibility.

CALL FOR HUMANE TREATMENT OF AND RELEASE OF AMERICAN PRISONERS OF WAR IN SOUTHEAST ASIA

(Mr. QUILLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUILLEN. Mr. Speaker, 7 years and 194 days have elapsed since Capt. Floyd Thompson was captured in South Vietnam and became the first American prisoner of war in Southeast Asia.

The number of members of our Armed Forces listed as prisoners of war or missing in action has soared to more than 1,600 as Hanoi continues to violate the terms and provisions of the Geneva Convention.

While it is inconceivable that any civilized nation would refuse to afford these men humane treatment, the facts are clear that Hanoi is doing just that.

It is appalling that Hanoi has repeatedly refused to identify all prisoners, to allow impartial inspection of prison facilities, to permit the free exchange of mail between prisoners and their families, refused to release the seriously ill and wounded, as well as to negotiate for their release.

The President has given top priority to this issue. Earlier this week this body reaffirmed its position toward Hanoi pledging to do everything in its power to bring about the earliest possible release of our prisoners of war. The House passage of this resolution should lay it on the line to Hanoi that the American people do not intend to forget these men, nor do we in any way condone their actions.

Cooperation from the North Vietnam Government is long overdue. Nothing is more important than the safe return of our prisoners of war and we must continue our efforts toward this end.

EXPORT TRADE ON AMERICAN-FLAG VESSELS

(Mr. PELLY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PELLY. Mr. Speaker, very shortly, we will be voting on H.R. 10947, the Revenue Act of 1971. I would like to take this opportunity to point out to my colleagues that the Committee on Ways and Means has adopted a suggestion of the distinguished chairman of the Committee on Merchant Marine and Fisheries, the gentleman from Maryland (Mr. GARMATZ). Several weeks ago, Chairman GARMATZ in a letter to the distinguished chairman of the Committee on Ways and Means, the gentleman from Arkansas (Mr. MILLS) pointed out that increased carriage of our export trade on American-flag vessels would contribute substantially to improving our balance-of-payments picture. Millions of dollars are spent annually by American corporations to ship goods on foreign-flag vessels, while at the same time through a variety of means we have committed ourselves to a national program to revitalize the American merchant marine.

The Committee on Ways and Means has recognized this serious balance-of-payments drain and as provided in the provisions of the legislation dealing with domestic international sales corporations that such a corporation may include as export promotion expenses 50 percent of the freight paid for shipping export property on board U.S.-flag vessels. This provision should go a long way toward encouraging American businessmen to insist upon U.S.-flag vessels. All too often in the past, American business concerns have left the routing of cargo up to their foreign trading partners.

Mr. Speaker, I wish to commend the distinguished chairman of the Merchant Marine Committee, the gentleman from Maryland (Mr. GARMATZ), for his timely proposal, and I wish also to thank the Committee on Ways and Means for adopting this valuable suggestion.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

THOSE SUPREME COURT VACANCIES

(Mr. WYMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WYMAN. Mr. Speaker, few things President Nixon can do that will more profoundly affect the future well-being of the United States can match in importance the men—or women—he puts on the U.S. Supreme Court. I deeply regret that our distinguished and able colleague Congressman RICHARD POFF has seen fit to remove himself from consideration for he would have been a tower of strength and stability on the High Court. With others in this body I feel strongly that when the chips were down in the other body, Mr. POFF would have been confirmed if nominated.

Today's Washington Post editorially suggests that it ought not to be too difficult for the President to find two candidates whose nominations will not set off the kind of controversy the nomination of Mr. POFF would allegedly have engendered. Presumably the Post refers to the traditional attitude of gentlemen from south of the Mason-Dixon line in regard to segregation. Unfortunately, for America, Mr. POFF would have assured the Court of a member whose eminent fairness is matched only by his proven capability to decide legal cases on their merits without preconceived philosophical or sociological predilections.

Among all the criteria that must be critically evaluated by a President with

such a tremendous responsibility, the assurance that a nominee will not run hog-wild on such a bent is high on the list. What former Chief Justice Earl Warren did after his appointment by former President Eisenhower on the basis of his record in administration as Governor of California and in law enforcement as attorney general of California, is a warning of what can happen unless a President is convinced that his nominees will keep their feet on the ground and stand four-square for America once they are on the High Court for life.

VETO RED CHINA'S ADMISSION TO U.N.

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, there are very disquieting reports from the United Nations that the U.S. "two-China policy" may very well be rejected by the General Assembly. In fact, it begins to look more and more like the General Assembly will oust Nationalist China from that world body.

Mr. Speaker, it would be my hope that those who are tempted to vote in that direction would realize there is a growing number of Members in Congress who are very much opposed to this approach. There is a respectable number of Members in Congress who may very well vote to deny any more American financial support to the U.N. if Nationalist China is thrown out.

Mr. Speaker, it would be my fervent prayer that the United States would exercise its veto power in the Security Council and veto the seating of Communist China on the Security Council if indeed the General Assembly should oust Nationalist China from that world body.

The State Department has tried to create the impression that there is some question whether we can use such veto power, but I have talked to international specialists and lawyers who are very learned with reference to the rules of the United Nations, and there is no question in their mind but what the United States does have veto power in the Security Council over seating Red China if Nationalist China is ousted.

Mr. Speaker, I hope that veto power is used, otherwise we shall see another Yalta in our lifetime.

KTUL–TV RANKS HIGH IN PUBLIC SERVICE IN OKLAHOMA

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDMONDSON. Mr. Speaker, as you know it was our privilege recently to participate with our colleague, PAGE BELCHER, in the 1971 Oklahoma telethon for the Muscular Dystrophy Association.

The great success of the telethon was due in large measure to the contribution made by television station KTUL–TV of Tulsa, Okla., in providing considerable public service air time for broadcasting of the program.

The president of KTUL, James C. Leake, is a dedicated citizen with a long record of service to his country and to the State, and I know the entire Oklahoma congressional delegation will join me in offering sincere thanks for the fine effort in support of this year's telethon.

Jimmy Leake and his excellent staff at KTUL–TV are to be commended for their very fine work and many personal sacrifices in behalf of the telethon, and for once again demonstrating the important contribution his station makes in behalf of important public service projects.

THE REVENUE ACT OF 1971

Mr. MILLS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Arkansas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 10947, with Mr. CABELL in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday the amendment offered by the gentleman from Arkansas (Mr. MILLS) on behalf of the Committee on Ways and Means was pending.

Mr. MILLS. Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Are there any further committee amendments?

Mr. MILLS. Mr. Chairman, there are no further committee amendments.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. CABELL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes, pursuant to House Resolution 629, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 208, EQUAL RIGHTS FOR MEN AND WOMEN

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 548 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 548

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 208) proposing an amendment to the Constitution of the United States relative to equal rights for men and women. After general debate, which shall be confined to the joint resolution and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Massachusetts (Mr. O'NEILL) is recognized for 1 hour.

Mr. O'NEILL. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. ANDERSON), pending which I yield myself such time as I may consume.

Mr. O'NEILL. Mr. Speaker, House Resolution 548 provides an open rule with 4 hours of general debate for consideration of House Joint Resolution 208 proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

House Joint Resolution 208 proposes the constitutional amendment to insure that the equality of rights of any person under the law shall not be denied.

As a group, women have been victims of wide discrimination. In many States they are denied educational opportunities equal to those for men. In some States they are not allowed to manage their own property and a wife has fewer property rights.

Our legal system currently contains the vestiges of a variety of ancient common law principles which discriminate unfairly against women. This legislation would clarify the intent of the Congress that all irrational discrimination on the basis of sex be eliminated.

A similar proposal passed the House in the last Congress but did not pass the Senate.

Mr. Speaker, there is ample time for debate on the amendment and I urge the adoption of the rule in order that the bill may be considered.

The SPEAKER. The gentleman from Illinois (Mr. ANDERSON) is recognized.

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in support of House Joint Resolution 208 as originally introduced and in opposition to the measure as reported from committee with the addition of the so-called Wiggins amendment. I am sure my colleagues will recall that in the last Congress this body overwhelmingly passed the equal rights amendment without any such amendatory language. I was proud at that time to be a cosponsor of that constitutional amendment to prohibit sex discrimination and to have voted for it. And it is with the same measure of pride and enthusiasm that I once again rise to urge passage of the amendment as originally introduced.

I must confess that when this amendment emerged from committee I had a new appreciation for how the characters of George Orwell's "Animal Farm" must have felt when they awoke one morning to discover that the seventh commandment on the barn wall had been revised to read:

All animals are equal, but some animals are more equal than others.

Now, I do not want to extend this analogy much further, because then we would get into the whole question of which sex fit which role in this scenario, and as far as I am concerned, there is already been excessive use of the term "chauvinist pigs." Suffice it to say, I do think it is curious that so many women are so adamantly opposed to this additional language which was ostensibly designed with their best interests in mind. There seems to be considerable disagreement as to just who is made more equal by this language and who is really protected by the "protective" laws this language is designed to protect.

It has been said that chivalry is dead, and if by that it is meant the age when women were placed on pedestals as you would a piece of statuary, then I do not think we need mourn its passing. But the dictionary tells us that chivalry includes such qualities as courtesy and courage, fairness, and respect for women; and in that sense of the word I do not think chivalry is dead.

I believe it was Charles Kingsley who wrote:

The age of chivalry is never past, so long as there is a wrong left unredressed on earth.

Indeed, we are being called upon today to do the chivalrous thing—to redress a wrong out of fairness and respect for women. We are being called upon once and for all to make women equal under the law of the land—to remove the last vestiges of their second-class citizenship from the books.

Mr. Speaker, it seems to me that we are either serious about this or we are not. If we begin to hedge and qualify the word "equality," then we are engaging in what I would call an exercise in quixotic chivalry—we are tilting at windmills instead of smiting the pervasive discrimination which has held American women in legal bondage for nearly two centuries.

The very distinguished Presidential Task Force on Women's Rights and Responsibilities, reporting in December of 1969, urged passage of this amendment, fully recognizing that it would impose upon women as many responsibilities as it would confer rights. But it viewed this objective as desirable. The task force notes the special need for the equal rights amendment because thus far the Supreme Court has not accorded the protection of the fifth and 14th amendments to female citizens. To quote from the task force report:

A constitutional amendment is needed to secure justice expeditiously and to avoid the time, expense, uncertainties, and practical difficulties of a case-by-case, State-by-State procedure.

I think the task force report was very appropriately entitled, "A Matter of Simple Justice," and that is really the central and overriding issue in this debate today. Miss Virginia Allan, chairman of the President's task force, made a most eloquent statement on this theme in her cover letter to the President when she said, and I quote:

Equality for women is unalterably linked to many broader questions of social justice. Inequities within our society serve to restrict the contribution of both sexes. . . . What this task force recommends : a national commitment to basic changes that will bring women into the mainstream of American life. Such a commitment, we believe, is necessary to healthy psychological, social, and economic growth of our society.

Mr. Speaker, I concur in Miss Allan's appraisal of the link between equality for women and the broader questions of social justice and a healthy society. I especially agree that so long as inequities do exist in our sociey, the contributions of all individuals and consequently the growth of that society are inhibited. This is especially reprehensible in a society such as ours which prides itself on its democratic principles of liberty, justice, and equality of opportunity for all.

It seems to me these principles dictate our strong and unyielding support for the equal rights amendment as originally introduced without any crippling amendments which would qualify equality or compromise justice.

Mr. PEPPER. Mr. Speaker, will the able gentleman from Illinois yield?

Mr. ANDERSON of Illinois. I am pleased to yield to my colleague on the Committee on Rules, the gentleman from Florida (Mr. PEPPPER).

Mr. PEPPER. Mr. Speaker, as one who has long supported the equal rights amendment, I wish warmly to commend the distinguished gentleman for his able statement and associate myself with it.

Mr. O'NEILL. Mr. Speaker, has the gentleman from Illinois any requests for time?

Mr. ANDERSON of Illinois. Mr. Speaker, I have no further requests for time.

Mr. O'NEILL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RESIGNATION FROM COMMITTEES

The SPEAKER laid before the House the following resignation from committees:

WASHINGTON, D.C.,
October 6, 1971.

Hon. CARL ALBERT,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I herewith submit my resignation from the Committee on Science and Astronautics and the Committee on Merchant Marine and Fisheries.

With kindest regards, I am,

Sincerely yours,

JOSEPH E. KARTH,
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

ELECTION TO COMMITTEE ON WAYS AND MEANS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a privileged resolution (H. Res. 636) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 636

Resolved, That Joseph E. Karth of Minnesota be, and he is hereby, elected a member of the standing Committee of the House of Representatives on Ways and Means.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPLEMENTAL APPROPRIATION, DEPARTMENT OF LABOR, 1972

Mr. MAHON. Mr. Speaker, pursuant to the order of the House of September 29, I call up the joint resolution (H.J. Res. 915) making a supplemental appropriation for the Department of Labor for the fiscal year 1972, and for other purposes, and ask for unanimous consent that the joint resolution be considered in the House as in the Committee of the Whole.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 915

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1972, namely:

DEPARTMENT OF LABOR

MANPOWER ADMINISTRATION

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For an additional amount for "Federal unemployment benefits and allowances", $270,500,000.

Mr. MAHON. Mr. Speaker, I move to strike the last word.

The SPEAKER. The gentleman from Texas is recognized for 5 minutes.

Mr. MAHON. Mr. Speaker, an urgent request has been made for $270,500,000

in additional funds for unemployment compensation for certain beneficiaries under laws we have passed during the last several years. These funds are needed for returning veterans and Federal workers who have lost their positions and cannot find jobs, and for industrial employees who have lost their jobs because of imports under certain circumstances specified by law.

The committee report, which is available at the desk, explains the situation as to the need.

I yield to the gentleman from Ohio for any comment which he might wish to make as ranking minority member of the Committee on Appropriations.

Mr. BOW. Mr. Chairman, I am in support of this bill. It is necessary for us to take care of these funds for the Department of Labor.

The gentleman from Illinois (Mr. MICHEL) has handled this in the subcommittee, and I would like to have the gentleman from Texas yield to the gentleman from Illinois for any comment he may have to make.

Mr. MAHON. I thank the gentleman from Ohio.

The committee was unanimous in the approval of this resolution. The hearings were conducted by the chairman of the subcommittee on the Departments of Labor and Health, Education, and Welfare, the gentleman from Pennsylvania (Mr. FLOOD). I am sure he will explain the committee's action.

Mr. FLOOD. Mr. Speaker, I move to strike the last word.

Mr. Speaker, there is not a great deal I can say about this resolution. Believe that or not. It involves a rather substantial sum, $270,500,000. It is the full amount of the request and, as the gentleman from Texas said, it has met with the unanimous approval of the full committee.

It seems clear that even this amount is an underestimate of the requirements for the remainder of this year, and for practical purposes, under the law there is no administrative control or any control through the appropriation process. The amount of funds required, and of the appropriations we will have to pass, is simply determined by the extent of the unemployment of those covered by the law, period.

During the last few years—and this has nothing to do with the politics of this administration, because they have all been doing this same thing—but during the last few years, the executive branch has consistently underestimated the rate of unemployment, which has resulted in the necessity for supplemental appropriation after supplemental appropriation after supplemental appropriation. It goes on like a Tennyson's brook. There is no doubt in the minds of the members of the subcommittee who heard the testimony that this estimate we are dealing with now is underestimated. It is predicated, believe it or not, upon 5 percent average unemployment for the period July 1, 1971, through June 30, 1972. It has averaged 6 percent since July 1 and is over 6 percent right now. It was 6 or a little more when this thing came up to us from the executive branch. They knew that. They knew we knew it. But there we are. It is based upon 5 percent, while 6 percent is the reality.

One of the reasons why the supplemental is so large is that the funds for 1971 were exhausted early in the fourth quarter, and the Department used the very special authority they had to mortgage the 1972 appropriation to make up that deficit in the last quarter of 1971. This accounts for $125 million of the $270,500,000 total.

Of the remaining $145,500,000, which is for the deficit in 1972, there are three categories, and these are by law: $16 million is for unemployed former Federal employees; $75,500,000 is for unemployed ex-servicemen; finally, $54 million is for benefits under the Trade Expansion Act of 1962 and the Automotive Products Act of 1965.

Mr. Speaker, if this joint resolution is enacted—of course, it will be—it will bring the total amount for 1972 to $420 million compared to $442,080,000 for 1971, a reduction of approximately $22 million.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. FLOOD was allowed to proceed for 1 additional minute.)

Mr. FLOOD. However—now, mark this—this is what is going to happen. If the unemployment situation does not improve dramatically during the rest of fiscal year 1972 we will be back here again next spring with another supplemental appropriation bill. That is all there is; there is not any more, Mr. Speaker.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. Of course I yield to the gentleman from Missouri.

Mr. HALL. I wonder if the gentleman would exemplify and explain to the Members in a little more detail the referred to "authority in law," whereby one can "mortgage against" next year's appropriation to finish out the balance of last year's indebtedness or overspending?

Mr. FLOOD. That is in our Labor-HEW Appropriation Act for fiscal year 1971. By the way, the gentleman might like to know that we did cut down the time limit of the mortgage from 3 months that has been carried in the last seven appropriation acts to 2 weeks in the 1972 Labor-HEW bill. And we did this because, in the opinion of the committee, they were abusing this special authority.

The SPEAKER. The time of the gentleman from Pennsylvania has again expired.

(On request of Mr. HALL, and by unanimous consent, Mr. FLOOD was allowed to proceed for 2 additional minutes.)

Mr. FLOOD. We know how the gentleman feels. We feel the same way on matters such as this.

Mr. HALL. I appreciate the gentleman's yielding.

If the gentleman will yield further, there is one other thing which concerns me. At a recent departmental seminar concerning the new National Health Standards, with which the gentleman is eminently familiar, the statement was made that regardless of authorizations and appropriations from Congress the Health Maintenance Organizations are now being funded as demonstration projects on directive of the Secretary of Health, Education, and Welfare, regardless of the final approval or not of the Congress. These grants have been forthcoming. The demonstration projects are being arranged.

Is there any legal basis in this prior commitment of obligatory authority, for such action on the part of the Department?

Mr. FLOOD. No, definitely the advance funding we have been discussing would not apply to anything like that.

Mr. HALL. Mr. Speaker, this is just one example of the perversion of the legislative process and the executive grant. I can advise and tell much from experience, of such plans.

Mr. FLOOD. There is no doubt about that.

Mr. HALL. I believe the lesson should be clear to the Members that we should watch carefully the construction of our authorization bills, which "come home to roost," and must be funded. It seems to me we should watch the obligational authority granted in advance; as the gentleman so aptly defines it "as a mortgage against next year's appropriations," so that they do not seize dictatorial power with the taxpayers' funds.

Mr. FLOOD. The gentleman is as right as rain.

Let me say this, which is off that point: The Office of Management and Budget makes these people from the Department of Labor come up here and testify on these figures they know are too low. I asked them at the hearings if they didn't know that this latest estimate was again too low. We had to press them fairly hard first but they admitted that their own estimate was more than $100 million higher than the one they were forced to try to justify.

Mr. HALL. Then would the gentleman not agree with me, Mr. Speaker, that the only final solution is that the Congress tighten the purse strings?

Mr. FLOOD. Certainly. Again, the gentleman is as right as rain.

Mr. MICHEL. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I want simply to underscore the comments and remarks of our distinguished chairman, the gentleman from Pennsylvania (Mr. FLOOD) and the distinguished chairman of the full committee, the gentleman from Texas (Mr. MAHON).

It is rather ridiculous to have a committee sitting in good faith to hear such faulty estimates presented to us as was the case in this particular regard. We look at the specific figures in the original estimates, and they call for $274.5 million. With this supplemental we will be up to a figure of $545 million. As the gentleman from Pennsylvania (Mr. FLOOD) said, we will still be $100 million to $110 million short, mark my words, at the end of the fiscal year, because I cannot conceive that there will be that much of an improvement in the unemployment picture. Admittedly these estimates came to us with unemployment estimated at 4.6 percent while there is currently unemployment at a rate of 6 percent, and it is hovering at one-tenth of a point either way. I would expect certainly through

the period of the balance of this fiscal year that will still be a valid figure and it will require an additional $100 million for this one item.

It might be interesting for the Members to note the number of weeks compensated for former Federal employees is expected to increase from 1,429,000 to 1,692,000 in fiscal year 1972 and for exservicemen from 3,012,320 in 1971 to an estimated 4,420,000 in fiscal year 1972.

One final word. The number of claimants to be paid under the Trade Expansion Act is expected to be 28,285 receiving 907,930 weeks of compensation compared with original estimates of 9,690 paid and 238,270 weeks of compensation. The revised estimate for trade payments is based on the recent data of several States which was not available when the original estimates were made to your committee.

There is nothing we can do but support the resolution and hope that the next budget presentation coming to us will have much more solid figures than we have had to deal with in the past so that we will not be forced to come to you time after time with these supplementals.

Mr. FLOOD. Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DELLENBACK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present. The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 393, nays 9, not voting 30, as follows:

[Roll No. 289]

YEAS—393

Abbitt	Bingham	Carney
Abernethy	Blackburn	Carter
Abourezk	Blanton	Casey, Tex.
Abzug	Blatnik	Cederberg
Adams	Boggs	Celler
Addabbo	Boland	Chamberlain
Anderson, Calif.	Bolling	Chappell
	Bow	Chisholm
Anderson, Ill.	Brademas	Clancy
Anderson, Tenn.	Brasco	Clark
	Bray	Clausen, Don H.
Andrews, Ala.	Brinkley	
Andrews, N. Dak.	Brooks	Clawson, Del
	Broomfield	Cleveland
Arends	Brotzman	Collier
Aspin	Brown, Mich.	Collins, Ill.
Aspinall	Brown, Ohio	Collins, Tex.
Badillo	Broyhill, N.C.	Colmer
Baker	Broyhill, Va.	Conable
Baring	Buchanan	Conte
Barrett	Burke, Fla.	Conyers
Begich	Burke, Mass.	Corman
Belcher	Burleson, Tex.	Cotter
Bell	Burlison, Mo.	Coughlin
Bennett	Burton	Crane
Bergland	Byrnes, Wis.	Culver
Betts	Byron	Daniel, Va.
Bevill	Cabell	Daniels, N.J.
Biaggi	Caffery	Danielson
Biester	Carey, N.Y.	Davis, Ga.
Davis, S.C.	Karth	Rhodes
Davis, Wis.	Kastenmeier	Riegle
de la Garza	Kazen	Roberts
Delaney	Keating	Robinson, Va.
Dellenback	Keith	Robison, N.Y.
Dellums	Kemp	Rodino
Dennis	King	Roe
Dent	Kluczynski	Rogers
Devine	Koch	Roncalio
Dickinson	Kuykendall	Rooney, N.Y.
Dingell	Kyl	Rooney, Pa.
Donohue	Landrum	Rosenthal
Dorn	Latta	Rostenkowski
Dow	Leggett	Roush
Dowdy	Lennon	Rousselot
Downing	Link	Roy
Drinan	Lloyd	Roybal
Dulski	Long, Md.	Runnels
Duncan	Lujan	Ruppe
du Pont	McClory	Ruth
Dwyer	McClure	Ryan
Eckhardt	McCollister	St Germain
Edmondson	McCormack	Sandman
Edwards, Ala.	McCulloch	Sarbanes
Edwards, Calif.	McDade	Satterfield
Eilberg	McDonald, Mich.	Scherle
Erlenborn		Scheuer
Esch	McEwen	Schneebeli
Eshleman	McFall	Schwengel
Evans, Colo.	McKay	Scott
Fascell	McKevitt	Sebelius
Findley	McKinney	Selberling
Fish	Macdonald, Mass.	Shipley
Fisher		Shoup
Flood	Madden	Shriver
Flowers	Mahon	Sikes
Ford, Gerald R.	Mailliard	Sisk
Ford, William D.	Mann	Skubitz
	Martin	Slack
Forsythe	Mathias, Calif.	Smith, Calif.
Fountain	Mathis, Ga.	Smith, Iowa
Fraser	Matsunaga	Smith, N.Y.
Frenzel	Mayne	Snyder
Frey	Mazzoli	Spence
Fulton, Tenn.	Meeds	Springer
Fuqua	Melcher	Staggers
Galifianakis	Metcalfe	Stanton, J. William
Gallagher	Michel	
Garmatz	Mikva	Stanton, James V.
Gaydos	Miller, Ohio	
Gibbons	Mills, Ark.	Steed
Goldwater	Mills, Md.	Steele
Gonzalez	Minish	Steiger, Ariz.
Goodling	Mink	Steiger, Wis.
Grasso	Minshall	Stephens
Gray	Mitchell	Stokes
Green, Oreg.	Mizell	Stratton
Green, Pa.	Mollohan	Stubblefield
Griffin	Monagan	Stuckey
Griffiths	Montgomery	Sullivan
Gubser	Moorhead	Symington
Gude	Morgan	Talcott
Hagan	Morse	Taylor
Haley	Mosher	Teague, Calif.
Halpern	Moss	Teague, Tex.
Hamilton	Murphy, Ill.	Terry
Hammer-schmidt	Murphy, N.Y.	Thompson, Ga.
	Myers	Thompson, N.J.
Hanley	Natcher	Thomson, Wis.
Hanna	Nedzi	Thone
Hansen, Idaho	Nelsen	Tiernan
Hansen, Wash.	Nichols	Udall
Harrington	Nix	Ullman
Harsha	Obey	Van Deerlin
Harvey	O'Hara	Vander Jagt
Hastings	O'Konski	Vanik
Hathaway	O'Neill	Veysey
Hawkins	Patman	Vigorito
Hays	Patten	Waggonner
Hébert	Pelly	Waldie
Hechler, W. Va.	Pepper	Wampler
Heckler, Mass.	Perkins	Ware
Helstoski	Pettis	Whalen
Henderson	Peyser	Whalley
Hicks, Mass.	Pickle	White
Hicks, Wash.	Pike	Whitehurst
Hillis	Poage	Whitten
Hogan	Podell	Wiggins
Holifield	Poff	Williams
Horton	Powell	Wilson, Bob
Hosmer	Preyer, N.C.	Wilson, Charles H.
Howard	Price, Ill.	
Hull	Price, Tex.	Winn
Hungate	Pryor, Ark.	Wolff
Hunt	Pucinski	Wright
Hutchinson	Purcell	Wyatt
Ichord	Quie	Wydler
Jacobs	Quillen	Wylie
Jarman	Railsback	Wyman
Johnson, Calif.	Randall	Yates
Johnson, Pa.	Rangel	Yatron
Jonas	Rees	Young, Fla.
Jones, Ala.	Reid, Ill.	Zablocki
Jones, N.C.	Reid, N.Y.	Zion
Jones, Tenn.	Reuss	Zwach

NAYS—9

Ashbrook	Gross	Rarick
Camp	Hall	Saylor
Flynt	Landgrebe	Schmitz

NOT VOTING—30

Alexander	Evins, Tenn.	Long, La.
Annunzio	Foley	McCloskey
Archer	Frelinghuysen	McMillan
Ashley	Fulton, Pa.	Miller, Calif.
Byrne, Pa.	Gettys	Passman
Clay	Giaimo	Pirnie
Denholm	Grover	Widnall
Derwinski	Kee	Young, Tex.
Diggs	Kyros	
Edwards, La.	Lent	

So the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Archer.
Mr. Denholm with Mr. Frelinghuysen.
Mr. Diggs with Mr. Derwinski.
Mr. Alexander with Mr. Fulton of Pennsylvania.
Mr. Evins of Tennessee with Mr. Grover.
Mr. Foley with Mr. Lent.
Mr. Giaimo with Mr. McCloskey.
Mr. Byrne of Pennsylvania with Mr. Widnall.
Mr. Miller of California with Mr. Passman.
Mr. Ashley with Mr. Clay.
Mr. Kyros with Mr. McMillan.
Mr. Young of Texas with Mr. Pirnie.
Mr. Gettys with Mr. Kee.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 10947, THE REVENUE ACT OF 1971

Mr. MILLS of Arkansas. Mr. Speaker, I have been advised that in connection with the passage of H.R. 10947, the Revenue Act of 1971, there are two or three printing errors in the bill.

Therefore, I ask unanimous consent that in the engrossment of H.R. 10947 the Clerk be authorized to make certain corrections in punctuation, spelling, and paragraphing to correct printing errors in the reported print of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, I believe it is fairly well known that although we were not anxious to have a motion to recommit with instructions we were anxious to have a vote on final passage. A vote on a measure of this magnitude should be approved or disapproved by a rollcall vote. Mr. Speaker, of course, we want the engrossed copy to be accurate.

How do we return to the point from which we started earlier this afternoon to have such a rollcall?

Mr. MILLS of Arkansas. I did not ask for a rollcall vote. In response to the gentleman, there were some Members on the floor any one of whom could have asked for it. There was no quorum present at the time. The rollcall, therefore, would have been automatic. I think my friend from Michigan was on the floor at the time.

Mr. GERALD R. FORD. The gentle-

man from Arkansas is correct. I was on the floor. And I am not condemning the gentleman from Arkansas for not asking for a rollcall vote, but there were many on our side of the aisle who wanted a rollcall vote and wondered why it was not taken. I was somewhat preoccupied trying to arrange a motion to recommit and, therefore, I was not in a position to ask for a rollcall.

Mr. MILLS of Arkansas. Will the gentleman yield further?

Mr. GERALD R. FORD. Surely.

Mr. MILLS of Arkansas. I think my friend from Michigan knows whenever I think there is to be a great political advantage to be gained by all of the Members out of a rollcall vote on a bill coming from the Committee on Ways and Means, I invariably ask for a rollcall on it. Where I think there is questionable gain politically I do not ask for one.

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. DENT. Mr. Speaker, reserving the right to object, and I do not intend to object, I just want to state that if I had not been called to the telephone at the moment that the bill was passed, I would have asked for a rollcall vote. I would have voted "no" for obvious reasons.

I hate to see the advantage being given to certain imports with a surcharge on them when the so-called surcharge has been lifted. The charge against imported parts was dropped from 10.5 to 3.5 percent.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. GROSS. Mr. Speaker, reserving the right to object, I am usually ready to accommodate in the matter of rollcalls, but nobody asked today for an accommodation.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, 1972

Mr. MAHON. Mr. Speaker, pursuant to the order of the House of September 29, I call up the joint resolution (H.J. Res. 916) making further continuing appropriations for the fiscal year 1972, and for other purposes, and ask unanimous consent that the joint resolution be considered in the House as in the Committee of the Whole.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 916

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of July 1, 1971 (Public Law 92-38), as amended, is hereby further amended by striking out "October 15, 1971" and inserting in lieu thereof "November 15, 1971".

Mr. MAHON. Mr. Speaker, I move to strike the last word.

Mr. Speaker, this is the third continuing resolution which the House has considered for this fiscal year. Just prior to July 1 Congress approved a continuing resolution, and just before that resolution expired we approved an extension of it. That second continuing resolution expires on October 15.

The present resolution simply provides that the existing resolution be continued for a period of 1 month to November 15, by which time it is hoped that the remaining regular appropriation bills will generally be disposed of.

Of course, much depends upon authorizations and other factors.

Ten of our regular appropriation bills for fiscal 1972 have been approved. Four of them have not been considered by the House because there is not adequate legislative authorization for them. We have been awaiting adequate authorization. Those bills that are awaiting authorization and which must be passed before we adjourn concern defense appropriations, military construction appropriations, foreign aid appropriations, and District of Columbia appropriations.

The District of Columbia appropriation bill is awaiting the passage of a revenue bill which is, of course, handled by another committee.

There will also be a final supplemental bill.

Under leave to extend, I include an excerpt from the report of the committee accompanying the pending resolution:

STATUS OF THE APPROPRIATION BILLS

Ten of the 14 regular annual appropriation bills for the fiscal year 1972 have been enacted into law. Four remain to be reported to the House. They are:

1. Military Construction, on which hearings were concluded June 29, but which has been awaiting the related authorization bill (H.R. 9844), now pending in conference.

2. Foreign Assistance, on which the main hearings were concluded July 1, but which has been awaiting the related authorization bill (H.R. 9910), now pending in the Senate.

3. District of Columbia, on which hearings were concluded prior to the August 6 recess, but which is significantly dependent on revenue legislation not yet considered by the House.

4. Department of Defense, on which hearings were concluded June 10, but which has been awaiting further developments on the related authorization bill (H.R. 8687), now pending in the Senate.

There will also be a closing supplemental bill to be considered.

FISCAL YEAR 1972 REGULAR ANNUAL APPROPRIATION BILLS

Bill	House passed	Senate passed	Conference report cleared	Signed into law
1. Education	Apr. 7	June 10	June 30	July 9.
2. Legislative	June 4	June 21	do	Do.
3. Agriculture-EPA, etc	June 23	July 15	July 28	Aug. 10.
4. Treasury-Postal Service-General Government	June 28	June 29	June 30	July 9.
5. State-Justice-Commerce-Judiciary	June 24	July 19	Aug. 3	Aug. 10.
6. HUD-Space-Science-Veterans	June 30	July 20	Aug. 2	Do.
7. Interior	June 29	July 16	do	Do.
8. Transportation	July 14	July 22	do	Do.
9. Labor-HEW	July 27	July 30	Aug. 6	Do.
10. Public Works-AEC	July 29	July 31	Sept. 22	
11. Military construction	(1)			
12. Foreign assistance	(1)			
13. District of Columbia	(1)			
14. Defense	(1)			

[1] Pending developments on related authorization bills.

It is hoped that a great deal of progress on the bills can be made prior to November 15. It is possible that we could adjourn by that date insofar as the appropriations business is concerned.

Therefore, it is with that in mind that the resolution is presented.

We considered several dates such as sine die adjournment; November 24, the day before Thanksgiving; November 30; and December 15. But the resolution before us provides for a 1-month extension. We can take stock of the situation before that date and decide where to go from there if the appropriation bills have not been finalized. That is about the situation as I see it, and I am sure that the ranking member on the committee, the gentleman from Ohio (Mr. Bow), will have some comments with reference to this continuing resolution.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

In the supplemental appropriation approved a few moments ago for Federal unemployment benefits and allowances, nearly one-half of the total of $270 million represented money that was taken or purloined from some other fund in the amount of $125 million.

Does the gentleman think there will be more of this skulduggery going on if we continue this authority until November 15?

Mr. MAHON. I would say that, no, there is nothing of that nature involved in my opinion that will be before us prior to our adjournment this year.

It is true that there have been some miscalculations otherwise and supplementals will, no doubt, be required in some instances next spring, but insofar as I am aware nothing in the nature of the unemployment benefits fund. The rate of unemployment was underestimated. However, it is mandatory under the law, as the gentleman well knows, for these benefits to be paid. The estimate was just too low. We had to fulfill the requirements of the law and provide funds for these benefits to the veterans who are returning and others who are covered under the law, as the gentleman knows.

Mr. Speaker, under leave to extend, I include a table of the appropriation measures relating to the fiscal year 1972. Continuing resolutions are not, of course, included because expenditures under them are chargeable to the regular bills when they are enacted.

I might first add that the appropriation bills not yet reported—the five bills still in the Committee on Appropriations—presently involve budget requests for appropriations—new budget authority—of roughly $83 billion.

The table follows:

APPROVED FISCAL YEAR 1972 APPROPRIATION MEASURES (AS OF OCT. 6, 1971)

[Note: Fiscal year 1972 new budget (obligational) authority only]

Bill	Total approved	Over or under fiscal year 1971	Over or under fiscal year 1972 budget requests
1. Education	$5,146,311,000	+$563,104,500	[1] −$6,875,000
2. Legislative	529,309,749	+86,405,430	−6,039,858
3. Treasury-Postal Service-General Government	4,528,986,690	−1,038,472,210	−280,229,310
4. Agricultural-Environmental and Consumer Protection	13,276,900,050	+3,727,992,500	[1] +1,172,086,200
5. State-Justice-Commerce-Judiciary	4,067,116,000	+243,763,700	−149,686,000
6. Interior	2,223,980,035	+189,759,135	+29,386,000
7. HUD-Space-Science-Veterans	18,339,738,000	+1,342,850,000	[1] +882,721,000
8. Transportation	2,730,989,997	−253,630,608	+44,983,000
Advance 1973 appropriation	(174,321,000)	(+174,321,000)	
9. Labor-HEW	20,704,662,000	+3,149,983,500	+581,025,000
10. Public Works-AEC	4,675,125,000	+210,140,000	+59,043,000
11. Emergency Employment Assistance (H.J. Res. 833)	$1,000,000,000	+$1,000,000,000	
12. Summer feeding programs for children (H.J. Res. 744)	17,000,000	+17,000,000	+$17,000,000
13. Federal unemployment benefits and allowances (H.J. Res. 915)	[2] 270,500,000	+270,500,000	
Gross subtotal, these 13 measures	77,510,618,521	+9,509,395,947	+2,343,414,032
Net adjustment [3]			−600,000,000
Net total, these 13 measures	77,510,618,521	+9,509,395,947	+1,743,414,032

[1] These amounts are the ones affected by the net adjustment of $600,000,000 detailed near the end of the table.

[2] Passed House.

[3] Net adjustment of $600,000,000 to the budget requests (that is, a combination of (1) an amount which should be excluded from fiscal year 1972 budget requests—$400,000,000 not included in the education appropriation bill but requested in the budget for purchase of student loan notes from colleges and universities, contingent upon legislative authority not yet enacted, and (2) an amount which should be included in fiscal year 1972 budget requests—$1,000,000,000 which was a proposed supplemental for special revenue sharing which was to make up for only one-half year funding requested in the budget for certain housing and urban development programs but for which Congress, revenue sharing not having been adopted, funded on a regular 12-month basis).

Mr. BOW. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I go along with this resolution to extend continuing appropriations for another 31 days, to November 15.

I wish I might have the optimism of my distinguished chairman. My crystal ball is very cloudy when he refers to the possibility of our adjourning by the 15th of November.

I thought, perhaps, we might have extended the continuing resolution for a few more days, but if this has the effect of bringing about an earlier adjournment, I certainly hope that we pass it. However, I have some serious doubts that we will not be back in here for one more or, perhaps, two more continuing resolutions, unless we decide to do what I suggested before on the floor, and I repeat it now: If we have further delay in the authorizations and it is necessary to pass our appropriation bills. I would hope we would be able to go up and get a rule waiving points of order so we could bring the appropriation bills in and complete the work of the House and go on 3-day recesses, or whatever is necessary in order to prove that the Committee on Appropriations has done its work. We have completed the hearings and are ready to move. All we need are the authorizations or a rule. It seems to me we can conclude the activities of the House and go on with other work but be here for conferences, if necessary. However, I would hope that the leadership on the other side of the aisle would give serious consideration to the possibility of passing these appropriation bills under a rule.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the continuing resolution, and that it may be permissible to insert pertinent tables and extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DELLENBACK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 387, nays 12, not voting 32, as follows:

[Roll No. 290]

YEAS—387

Abbitt	Arends	Bevill
Abernethy	Aspin	Biaggi
Abourezk	Aspinall	Biester
Abzug	Badillo	Bingham
Adams	Baker	Blackburn
Addabbo	Baring	Blanton
Anderson, Calif.	Barrett	Blatnik
	Begich	Boggs
Anderson, Tenn.	Belcher	Boland
	Bell	Bolling
Andrews, Ala.	Bennett	Bow
Andrews, N. Dak.	Bergland	Brademas
	Betts	Brasco
Bray	Dow	Hays
Brinkley	Dowdy	Hébert
Brooks	Downing	Hechler, W. Va.
Broomfield	Drinan	Heckler, Mass.
Brotzman	Dulski	Helstoski
Brown, Mich.	Duncan	Henderson
Brown, Ohio	du Pont	Hicks, Mass.
Broyhill, N.C.	Dwyer	Hicks, Wash.
Broyhill, Va.	Eckhardt	Hillis
Buchanan	Edmondson	Hogan
Burke, Fla.	Edwards, Ala.	Holifield
Burke, Mass.	Edwards, Calif.	Horton
Burleson, Tex.	Eilberg	Hosmer
Burlison, Mo.	Erlenborn	Howard
Burton	Esch	Hull
Byrnes, Wis.	Eshleman	Hungate
Byron	Evans, Colo.	Hunt
Cabell	Fascell	Hutchinson
Caffery	Fish	Jacobs
Camp	Fisher	Jarman
Carney	Flood	Johnson, Calif.
Carter	Flowers	Johnson, Pa.
Casey, Tex.	Flynt	Jonas
Cederberg	Ford, Gerald R.	Jones, Ala.
Celler	Forsythe	Jones, N.C.
Chamberlain	Fountain	Jones, Tenn.
Chappell	Fraser	Karth
Chisholm	Frenzel	Kastenmeier
Clancy	Frey	Kazen
Clark	Fulton, Tenn.	Keating
Clausen, Don H.	Fuqua	Keith
	Galifianakis	Kemp
Clawson, Del	Gallagher	King
Cleveland	Garmatz	Kluczynski
Collier	Gaydos	Koch
Collins, Ill.	Gettys	Kuykendall
Colmer	Gibbons	Kyl
Conable	Goldwater	Kyros
Conte	Gonzalez	Landgrebe
Conyers	Goodling	Landrum
Corman	Grasso	Latta
Cotter	Gray	Leggett
Coughlin	Green, Oreg.	Lennon
Crane	Green, Pa.	Lent
Culver	Griffin	Link
Daniel, Va.	Griffiths	Lloyd
Daniels, N.J.	Gude	Long, Md.
Danielson	Haley	Lujan
Davis, Ga.	Halpern	McClory
Davis, S.C.	Hamilton	McClure
Davis, Wis.	Hammer-schmidt	McCollister
de la Garza		McCormack
Delaney	Hanley	McCulloch
Dellenback	Hanna	McDade
Dellums	Hansen, Idaho	McDonald, Mich.
Dennis	Hansen, Wash.	
Dent	Harrington	McEwen
Devine	Harsha	McFall
Dickinson	Harvey	McKay
Dingell	Hastings	McKevitt
Donohue	Hathaway	McKinney
Dorn	Hawkins	McMillan

Macdonald, Mass.	Price, Ill.	Stanton, J. William
Madden	Price, Tex.	Stanton, James V.
Mahon	Pryor, Ark.	Steed
Mailliard	Pucinski	Steele
Mann	Purcell	Steiger, Ariz.
Martin	Quie	Steiger, Wis.
Mathias, Calif.	Quillen	Stokes
Mathis, Ga.	Railsback	Stratton
Matsunaga	Randall	Stubblefield
Mayne	Rangel	Stuckey
Mazzoli	Reid, Ill.	Sullivan
Meeds	Reid, N.Y.	Symington
Melcher	Reuss	Talcott
Metcalfe	Rhodes	Taylor
Michel	Riegle	Teague, Calif.
Mikva	Roberts	Teague, Tex.
Miller, Ohio	Robinson, Va.	Terry
Mills, Ark.	Robison, N.Y.	Thompson, Ga.
Mills, Md.	Rodino	Thompson, N.J.
Minish	Roe	Thomson, Wis.
Mink	Rogers	Thone
Minshall	Rooney, N.Y.	Tiernan
Mitchell	Rooney, Pa.	Udall
Mizell	Rosenthal	Ullman
Mollohan	Rostenkowski	Van Deerlin
Monagan	Roush	Vander Jagt
Montgomery	Roy	Vanik
Moorhead	Roybal	Veysey
Morgan	Runnels	Vigorito
Morse	Ruppe	Waggonner
Mosher	Ruth	Waldie
Moss	Ryan	Wampler
Murphy, Ill.	St Germain	Ware
Murphy, N.Y.	Sandman	Whalen
Myers	Sarbanes	Whalley
Natcher	Satterfield	White
Nelsen	Saylor	Whitehurst
Nichols	Scherle	Whitten
Nix	Scheuer	Wiggins
Obey	Schneebeli	Williams
O'Hara	Schwengel	Wilson, Bob
O'Neill	Scott	Wilson, Charles H.
Patman	Sebelius	Winn
Patten	Seiberling	Wolff
Pelly	Shipley	Wright
Pepper	Shoup	Wyatt
Perkins	Shriver	Wydler
Pettis	Sikes	Wylie
Peyser	Sisk	Wyman
Pickle	Skubitz	Yates
Pike	Slack	Yatron
Pirnie	Smith, Calif.	Young, Alaska
Poage	Smith, N.Y.	Young, Fla.
Podell	Snyder	Young, Ga.
Poff	Spence	Young, S.C.
Powell	Springer	Young, Tex.
Preyer, N.C.	Staggers	Zablocki
		Zion
		Zwach

NAYS—12

Ashbrook	Hall	Rousselot
Clay	O'Konski	Schmitz
Collins, Tex.	Rarick	Smith, Iowa
Gross	Roncalio	Young, Fla.

NOT VOTING—32

Alexander	Evins, Tenn.	Ichord
Anderson, Ill.	Findley	Kee
Annunzio	Foley	Long, La.
Archer	Ford, William D.	McCloskey
Ashley	Frelinghuysen	Miller, Calif.
Byrne, Pa.	Fulton, Pa.	Nedzi
Carey, N.Y.	Giaimo	Passman
Denholm	Grover	Rees
Derwinski	Gubser	Stephens
Diggs	Hagan	Widnall
Edwards, La.		

So the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Archer.
Mr. Denholm with Mr. Frelinghuysen.
Mr. Diggs with Mr. Derwinski.
Mr. Alexander with Mr. Fulton of Pennsylvania.
Mr. Evins of Tennessee with Mr. Grover.
Mr. Foley with Mr. Nelsen.
Mr. Giaimo with Mr. McCloskey.
Mr. Byrne of Pennsylvania with Mr. Widnall.
Mr. Miller of California with Mr. Passman.
Mr. Ashley with Mr. Findley.
Mr. Carey of New York with Mr. Anderson of Illinois.
Mr. Nedzi with Mr. Gubser.
Mr. William D. Ford with Mr. Rees.
Mr. Stephens with Mr. Kee.
Mr. Ichord with Mr. Hagan.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EQUAL RIGHTS FOR MEN AND WOMEN

Mr. EDWARDS of California. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 208) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

The SPEAKER. The question is on the motion offered by the gentleman from California.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 208) with Mr. BOLLING in the chair.

The clerk read the title of the joint resolution.

By unanimous consent, the first reading of the joint resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. EDWARDS) will be recognized for 2 hours, and the gentleman from California (Mr. WIGGINS) will be recognized for 2 hours.

The Chair recognizes the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. Mr. Chairman, it is with great pleasure that I yield 15 minutes to the gentlewoman from Michigan, the author of this legislation (Mrs. GRIFFITHS).

Mrs. GRIFFITHS. Mr. Chairman, before I begin discussing this joint resolution I would like to once again thank those 350 Members who last year voted for equal rights for men and women, and to announce now that I forgive the 15 people who did not, and to hope that they can be converted, and will see the light so that this year this bill will pass unanimously.

It is not necessary to point out to this body that both political parties have endorsed the equal rights amendment for more than the last 20 years in the exact form in which it has been introduced; and many of the Members have introduced this bill in the exact form in which it is before you today; therefore it seems to me that if the political process is to work properly that this bill should pass without any amendment whatsoever, and should go forward to the other body, where I trust it will pass, and back to the State legislatures.

This amendment has been sought by women for more than 100 years. Fifty years before women's suffrage there were those women who believed that the way to achieve rights for women was to have an equal rights bill. They finally settled upon suffrage, and then the equal rights bill.

I think it is of course essential to point out, even to lawyers, that the only two rights guaranteed to women today under the Constitution of the United States is the right to vote, and the right to hold public office. No woman seeking the protection of the 14th amendment has ever won a case before the Supreme Court, whether she was plaintiff or defendant.

I would also like to point out that one of the original objections to equal rights was that it would destroy the protective legislation that has been granted through the years by States to women, and another point that has always been made is that it would destroy the hours law.

The weight lifting laws never were realistic. There was not a single State in the Union, I believe, that ever had a weight lifting law that applied to a hospital or to a mercantile establishment. In any area where women really worked, the weight lifting law did not apply.

In the State of New York a weight lifting law applied only to women who worked in foundries, but it did not apply if they were really employees of the establishment.

The types of protective—so-called protective legislation that said that women could not work within a certain job—for instance, she could never be on the desk of a hotel at night, ignored the fact that right beside the male clerk there was a charwoman working and that down in the entertainment rooms there was a woman singing or playing the piano. So, in fact, protective legislation is a farce. It has been used to protect jobs for men. It, too, in most States as has already been decided was knocked out by title VII of the Civil Rights Act. So it is no longer really a point of contention.

But now I would like to come to two other matters—two other objections to this bill.

The distinguished gentleman from Michigan who wrote one of the opinions in the report pointed out that his real objection is that it denies Congress the power to legislate. I would like to say that I have the highest regard for that gentleman from Michigan—we went to the same law school—we started in the Michigan Legislature together—and I have the highest regard for his opinion. Yet, I must say in this one instance I think the gentleman is wrong.

The equal rights amendment does not deny Congress the right to legislate. It denies Congress the power to discriminate—as it denies it to all other legislative bodies. But it says to every legislative body—"Act now—equalize these laws—wipe out these old discriminations." This, in my judgment, is what we should be doing. This is what we are paid to do. This is what we know how to do. If we do not do it, I would like to show you what is going to happen.

Contrary to the view held by the beloved chairman of this committee, that this amendment would create chaos in the courts, permit me to point out to you that there are at least six States that have equalized their laws, of which Delaware was the first. They equalized those laws more than 6 years ago. There has never been a case brought before any court from the State of Delaware objecting to the laws.

Let me show you what is going to happen if we do not act. If we are not the ones that legislate—if we are not the ones that write out the discriminations—then you are going to have case after case after case brought in one district after

another, in one State after another, and finally to the Supreme Court. Because we do not announce a national policy—because we do not do what we do best—we legislate.

So we are going to leave it to the Supreme Court of the United States to bring you their legislation piece by piece and bit by bit, and I would like to submit, Mr. Chairman, there are no worse legislators in this country than those sitting on the Supreme Court. The real place to legislate is with the people who know how.

In 1960 the case of Hoyt against the State of Florida was decided on jury duty for a woman. Since that time there have been four decisions on jury matters brought in various State courts and in various district courts on behalf of women, and each of those courts has carefully picked its way around Hoyt against Florida. They have, in fact, repudiated it, but as yet the Supreme Court has not spoken.

The best of all these decisions came out of the district of Alabama, in which the Court placed it squarely on the 14th amendment.

At the present time there are three cases before the Supreme Court on the right of an illegitimate father to the custody and control of his son or children. Case after case will come again. At least three districts have tried the case as to whether or not a school board can make an ordinance that prohibits a pregnant girl from attending school.

I have said, when we had before us the social security bill, that perhaps no person in all our midst faces a greater burden than a little 14-year-old pregnant girl. If there is any person that this Nation should move forward to assist it is that child.

This is one of the ways in which we are making obviously faulty judgments as legislators. Three cases have been tried in the United States on this question. Seven cases have been tried since Gossaert against Cleary, a case coming from Michigan, in which the State legislature prohibited women from tending bar. In every case that has been tried since 1960 I believe the court has said that it is an unfair discrimination, and in some instances they have specifically said that it denies to a woman the equal rights guaranteed by the 14th amendment.

The truth is that chaos is going to be created if we do not step up and assume our rightful positions and legislate. Many people are worrying now about busing. But this is legislation coming out of the court system. Why should we ask women to be subjected to this? Why should not this body pass this national policy amendment on equal rights for all women, and then let the courts determine whether or not we have made them equal, not to force every woman for the next five generations to go back to the courts to test again and again and again the validity of her cause at the great personal expense to make the laws equal?

Some of the Members have objected because they fear that women will be drafted under this bill. It is possible that women will be drafted, but I should like to point out that we had quite a little time passing a draft bill this time. It will take a few years before this bill becomes the law. It is entirely possible that by the time this bill becomes law we will not have a draft law, and that what this bill will really say is that men and women can volunteer on exactly the same basis—and they cannot do that now. So from that standpoint it is not too bad.

But second, I would like to say to the Members—and the Members themselves know it—if this country gets into any real trouble, women are going to be drafted whether we have this bill or some other bill. We cannot have 40 percent of the work force free from a draft, because if we do we have given that 40 percent of the population an enormous advantage over the other 60 percent.

In Tennyson's "Locksley Hall," he remarked that: woman is a man's chattel:

> Something better than his dog, a little dearer than his horse.

We have come a long way from that day, but the way to go now is to require that every legislature in this country equalize their laws—and that is all the Equal Rights Amendment would require. I beg the Members to fulfill the commitment of both our political parties, and in our time see to it that women are at last human, recognized under the Constitution. Pass this bill without any amendment whatsoever.

Mr. WIGGINS. Mr. Chairman, I yield the gentlewoman from Michigan an additional minute, so she may respond to some questions.

Mr. Chairman, the gentlewoman from Michigan has authored House Joint Resolution 208, and as such, I think it is important we have her views as to certain meanings of words used in the amendment. Particularly, I direct the gentlewoman's attention to the first word, "equality," and ask the gentlewoman to explain the meaning of that word.

Mrs. GRIFFITHS. Of course, "equality" is a cherished word in the history of the United States and cherished within the minds of the American people, but "equality," I would like to say to the gentleman, does not mean "identical."

Mr. WIGGINS. If that is the case would legislative bodies be permitted to make rational distinctions between persons on the basis of sex?

Mrs. GRIFFITHS. Not on sex. They would be permitted to make that type of distinction, but they would not require of a sex something that was not within the sex's capabilities. That is, a woman would probably never be considered guilty of rape, because the definition of rape is exclusive.

Mr. WIGGINS. Do I understand then that the gentlewoman's definition of "equality" would permit such distinctions between men and women as may be generally related to their physical differences?

Mrs. GRIFFITHS. In some instances it certainly would. One of the areas I think, perhaps, is in the criminal laws. We could not say that a woman committed a rape by the very definition of the word.

I cannot think of other things off hand. Does the gentleman have something specifically in mind?

Mr. WIGGINS. No. I thank the gentlewoman for her response.

The CHAIRMAN. Does the gentleman from California (Mr. WIGGINS) desire to yield time?

Mr. WIGGINS. Yes, Mr. Chairman. I yield myself 15 minutes.

Mr. WIGGINS. I support House Joint Resolution 208 as amended and look forward to the debate on this important constitutional amendment.

As I reflect upon the many months which this matter has been before me, I feel a sense of regret with respect to two matters only:

First, it has been difficult for me to convince many of the Members that this matter of equal rights for men and women must be taken seriously.

I regret this very much. For nothing is more serious than our constitutional function in recommending to the States amendment to our basic charter. We must give careful, even meticulous, attention to our task. The questions we raise must be answered and when we conclude our deliberations we must be certain that the effect of our labors is known and that the effect is desirable.

Second, I regret that some feel that our opposition to the original language is opposition to the principle of equality. Nothing could be further from the truth. We all agree on objectives—freedom from irrational discrimination on the basis of sex—but we differ on the means for achieving it.

The Judiciary Committee is the lawyer for the House. The Members have every right to expect the Judiciary Committee to approach its task as lawyers. The committee bill reflects our considered judgment on the legal issues involved in amending our Constitution to implement a national policy of freedom from invidious discrimination on the basis of sex.

These same legal questions may not be as persuasive to all Members, but as we begin this debate, let me suggest an orderly development of the issues along the following lines:

First. Are there differences between the legal rights and responsibilities of men and women which are unjustified?

I suspect that much of the floor debate will be devoted to this threshold issue. To belabor it is unnecessary. The Judiciary Committee agrees that invidious discrimination between the rights of men and women exists and that we should put an end to it.

Second. Is a constitutional amendment legally necessary or appropriate for other compelling but nonlegal reasons to accomplish our objective?

Clearly, the amendment is not legally necessary. I can state categorically that the power exists under various constitutional provisions to end discrimination on the basis of sex in America wherever it may be found. That existing power is far broader than the limited thrust of the constitutional amendment before us.

Some may oppose the amendment as unnecessary for this reason. But the Judiciary Committee was persuaded that there exists an emotional need based upon a moral imperative that our Constitution contain a statement of sexual equality.

The committee bill is responsive to this moral imperative.

Third. What is the meaning of the language used in the proposed constitutional amendment?

The key word is "equality." I urge every speaker to explain his or her understanding of the meaning of this word.

The inevitable meaning as used in the original proposal was unacceptable to the Judiciary Committee and prompted limiting amendments. Those who opposed the committee amendments should understand the consequences of their opposition and speak directly to that issue.

Mr. Chairman, I revise and extend my remarks for the purpose of developing the history of the equal rights amendment before the Congress and the current status of the case law interpreting the 14th amendment and the Civil Rights Act as it bears upon this issue.

The document follows:

MEMORANDUM

I. A BRIEF HISTORY

In 1923 the first Equal Rights Amendment was introduced in Congress by Senator Charles Curtis and Representative Daniel Anthony, both Republicans from Kansas. Similar resolutions have been introduced in every Congress since then. During the years 1924 and 1938, the Senate Judiciary Subcommittee favorably reported the proposal to the full committee three different times. Up until this time, the proposed amendment had read:

"Men and Women shall have equal rights throughout the United States and every place subject to its jurisdiction. Congress shall have the power to enforce this article by appropriate legislation."

In May, 1943,[1] the amendment was reported to the Senate with amendments. The Senate Judiciary subcommittee altered the language to read:

"Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. The Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation."

The current wording of Mrs. Griffiths' amendment, H.J. Res. 208, which was favorably reported, unamended on voice vote, by Subcommittee No. 4 of the House Judiciary Committee to its full committee on April 29, 1971, is essentially the same used since the Amendment was rewritten in the Senate Judiciary Subcommittee in 1943, with one exception, that is, H.J. Res. 208 provides that *Congress* shall have the power to enforce this article by appropriate legislation and makes no mention of States having concurrent enforcement power.

In 1946, the Senate considered the Amendment and defeated it by a vote of 35 to 23.[2] The Senate has approved the Equal Rights Amendment on two occassions, in 1950,[3] by a vote of 63 to 19, and in 1953,[4] by a vote of 73 to 11. On both of these occasions the so-called "Hayden Rider" was adopted on the floor of the Senate and made part of the Equal Rights Amendment.

In 1945, after public hearings, the House Judiciary Committee favorably reported the amendment to the House for the first time, but no other action was taken.[5] The Judiciary Committee again held public hearings in 1948, but no further action followed.[6]

On August 10, 1970, Mrs. Griffiths, on the floor of the House, moved to discharge the Committee on the Judiciary from the further consideration of her resolution, H.J. Res. 264, Equal Rights for Women amendment. On a roll call vote, the motion was agreed to, 332 to 22. Mrs. Griffiths then moved that the House proceed to the immediate consideration of H.J. Res. 264. After one hour of controlled debate, it passed the House 350 to 15.[7]

In 1950, the only other substantial change in the Amendment's language appeared in the so-called "Hayden Rider" which was made part of the Equal Rights Amendment when it passed the Senate in 1950 and 1953. This Amendment bears the name of its author, Senator Carl Hayden of Arizona. His amendment reads as follows:

"The provisions of this article shall not be construed to impair any rights, benefits, or exemptions now or hereafter conferred by law upon persons of the female sex."

The purpose of this amendment is to invalidate laws that discriminate against women without nullifying existing laws reasonably designed to protect and benefit women.

II. PRESENT STATE OF THE CASE LAW

One of the most persuasive arguments put forth by the opponents of the Amendment is that it is unnecessary because women are presently covered by the equal protection clause of the 14th Amendment and therefore Congress presently has authority under Section 5 of the 14th Amendment to legislate in areas that discriminate against women. Further, they contend that the Congressional authority under the commerce clause, as the civil rights legislation indicates, is adequate to deal with discriminations, whether private or governmental, based on sex as on race. This position is countered by the proponents of the Amendment by agreeing that the 14th Amendment may encompass women, but the United States Supreme Court has not yet so held and the Court has in earlier cases held that classification based on sex is valid.

The purpose of this memorandum is to properly assess the above contentions in light of those court decisions which have addressed the issue on a constitutional basis. This memorandum does not undertake to explore, except in passing, those federal cases concerning the interpretation of the Civil Rights Act of 1964 and the Equal Pay Act of 1963 [8] nor does it undertake to discuss the possible legal effects of the proposed Equal Rights Amendment in the area of domestic relations.[9]

It is agreed that Congress has authority to legislate with regard to sex discrimination without such a constitutional amendment.[10] The issue to be discussed in this brief is whether the U.S. Supreme Court is likely to hold that *sex alone* is not a valid basis for classification under the equal protection clause and that this 14th Amendment guarantee demands that individuals be treated on the basis of their qualifications.

As far as the U.S. Supreme Court is concerned, it all began in the year 1872 when it handed down *Bradwell* v. *State*,[11] wherein the Court upheld the Illinois Supreme Court's barring of women from the practice of law because of their sex. The constitutional question in this case was whether or not the right to practice law was one of the privileges or immunities guaranteed by the 14th Amendment. The Court held that the right to practice law in State courts was not a privilege or immunity of a citizen of the United States within the meaning of the 14th Amendment and that the power of a State to prescribe the qualifications of its own courts is unaffected by the 14th Amendment. It would be most difficult, if not impossible, to find any court in the United States that would cite this case as authority for denying women the right to practice law. With reference to this and similar cases, Professor Freund stated that they "are museum pieces and should not figure in any present discussion of equal rights." [12] It is important to note, however, that the *Bradwell* case was not decided on the equal protection clause, but rather on the privilege or immunity provisions of the 14th Amendment.

In 1905, the U.S. Supreme Court was asked to determine the constitutionality of a New York statute which provided that no employee be required or permitted to work in bakeries for more than 60 hours a week, or ten hours a day.[13] The Court held that the New York statute violated the right of a person to contract and that such a right is part of the liberty of the individual protected by the 14th Amendment. More specifically, the Court said:

"There is no reasonable ground for interfering with the liberty of a person or the right of free contract, by determining the hours of labor, in the occupation of a baker . . . Viewed in the light of a purely labor law, with no reference whatever to the questions of health, we think that a law like the one before us involves neither the safety, and morals, nor the welfare of the public, and that the interest of the public is not in the slightest degree affected by such an act."

It seems clear in this case that the issue was whether the State of New York, under the guise of its police power, had good reason to regulate the number of hours that a person could labor in a bakery based on the general health, safety, and welfare of the public and the Supreme Court could not find such a basis with regard to a bakery. This is not to say that the State was without authority to regulate the number of hours a man could labor, on the contrary, it merely stated that the State had no reasonable grounds to regulate the number of hours a man could work in a bakery. In an earlier opinion, the Supreme Court upheld a Utah [14] statute which limited the number of hours of employment of working men in all underground mines to not more than eight hours a day and in a decision that followed *Lochner*, the Court upheld an Oregon statute which limited to ten hours a day the time a "person" could labor in any mill, factory, or manufacturing establishment.[15] In the latter case, the Court without mentioning its earlier decision in Lochner, concluded that the Oregon legislature acted reasonably and that regulation of hours is a basis for classification and is not in violation of the 14th Amendment.

Classifications based on sex presented itself in 1908 in *Muller* v. *Oregon* [16], where a less restrained U.S. Supreme Court in upholding an Oregon statute, which provided that no female shall be employed in any mechanical establishment, or factory, or laundry for more than ten hours a day, held that the physical well-being of women is an object of public interest and the regulation of her hours of labor falls within the police power of the State, and a statute directed exclusively to such regulation does not conflict with the due process or equal protection clauses of the 14th Amendment. In a brief opinion, the Court, per Justice Brewer, discussed a woman's maternal role in society:

"That woman's physical structure and the performance of maternal functions place her at a disadvantage in the struggle for subsistence is obvious. . . .

"Still again, history discloses the fact that woman has always been dependent upon man. He established his control at the outset by superior physical strength, and his control in various forms, with diminishing intensity, has continued to the present. . . . Education was long denied her, and while now the doors of the schoolroom are opened and her opportunities for acquiring knowledge are great, yet even with that and the consequent increase of capacity for business affairs, it is still true that in the struggle for subsistence she is not an equal competitor with her brother."

This language has, today, offended many people and is rejected by almost all people, proponents as well as opponents of the Equal Rights Amendment. To say that *Muller* stands for the proposition that women are not to be considered "persons" guaranteed equal protection of the law is a misstatement of its holding. To say that it is authority for the proposition that a State may regulate via its police power the working hours for women, but not for men is too a misstate-

Footnotes at end of article.

ment. The Supreme Court has upheld State statutes before and after the *Muller* decision that regulated the working hours of men. All that can be gotten from *Muller* is that the Court, sixty-three years ago, decided that the State, under its police power, could regulate the working hours of women for her protection as a class, based on conditions as they existed at that time and the importance of maintaining the health, safety, and well-being of this similarly situated group of people.

With regard to the types of employment a woman may not engage in, the case most often cited by the proponents of the Equal Rights Amendment is *Goesaert* v. *Clency*.[17] The U.S. Supreme Court upheld a Michigan statute forbidding a female to act as a bartender, unless she be the wife or daughter of the male owner of the establishment. The question was whether the Equal Protection Clause of the 14th Amendment barred Michigan from making the classification between wives and daughters of owners of liquor places and wives and daughters of non-owners. The Court, per Justice Frankfurter, stated that the—

"Constitution in enjoining the equal protection of the laws upon States precludes irrational discrimination as between persons or groups of persons in the incidence of a law. But the Constitution does not require situations 'which are different in fact or opinion to be treated in law as though they were the same.' "

The Court found that the Michigan Legislature acted with reason and that the Court was not in a position to gainsay such legislative judgment.

The Court in *Goesaert* did not address itself to the question of sex discrimination inherent in the Michigan statute, to the contrary, it specifically rejected that question by stating: "Since the line they (Michigan legislators) have drawn is not without a basis in reason, we cannot give ear to the suggestions that the real impulse behind this legislation was an unchivalrous desire of male bartenders to try to monopolize the calling."

The questions of the number of hours a female can labor in *Muller* and the type of employment prohibited in *Goesaert* are legally no longer relevant because such sex classification would not be permitted under the 1964 Civil Rights Act[18] which requires that persons of like qualifications be given employment opportunities irrespective of their sex. The U.S. Supreme Court has not yet decided the issue of whether the word "persons" contained in the 14th Amendment is equally inclusive of women. However, the lower Federal courts have ruled that women are entitled to the guarantees of the 14th Amendment on a parity with men.

In *Hoyt* v. *Florida*,[19] the U.S. Supreme Court found that the Florida statute providing that no women be taken for jury service unless she volunteered for it was constitutional. There was no evidence, said the Court, that Florida has arbitrarily undertaken to exclude women from jury service. In *White* v. *Crook*,[20] a three-judge Federal court held that an Alabama statute denying women the right to serve on juries violated the Equal Protection clause of the 14th Amendment. The lower court stated that the effect of the Equal Protection clause is to prohibit "prejudicial disparities" before the law. "This means prejudicial disparities for all citizens—including women." The Court distinguished *Hoyt* as being concerned with systems of jury selection under which service by women was voluntary. The *White* decision was never appealed to the higher court.

In *Abbot* v. *Mines*[21] the Court of Appeals for the 6th Circuit reversed a lower court because the judge dismissed women jurors from the panel because the case required testimony concerning cancer of male genitals. The Court stated:

"If any of the women who had been called as jurors in this case had asked to be excused on the ground that the trial would in fact be distasteful to them, the District Judge could have properly excused them. But the Judge did not make such an inquiry. It is common knowledge that society no longer cradles women from the very real and sometimes brutal facts of life. Women, moreover, do not seek such oblivion. They not only have the right to vote, but also the right to serve on juries."

In *Seidenberg* v. *McSorely's Old Ale House, Inc.*,[22] the Court struck down on constitutional grounds a tavern's 114 year-old practice of serving only male patrons. In the first of two opinions, the Court overruled the defendant's motion to dismiss, holding that an action seeking an injunction against such practice was authorized under Title 42, Sec. 1938 U.S.C.A.,[23] and that the granting of liquor licenses by the State was sufficient to establish the necessary "State action" to invoke the 14th Amendment prohibition against unreasonable discrimination. The Court stated that:

". . . oft-quoted principles that 'sex is a valid basis for classification' or that the State may draw 'a sharp line betwen the sexes' should not be applied mechanically without regard to the reasonableness of the relationship between the purposes of the discrimination and the sex-based classification. . . . Nor should it be overlooked that the Supreme Court has been particularly sensitive to the basic civil rights of man, not hesitating to strike down an invidious classification which, as in the instant suit, had both history and tradition on its side."

In its second opinion,[24] the Court granted plaintiff's motion for summary judgment. In recognizing that the public accommodations sections of the 1964 Civil Rights Act did not include discrimination based on sex, the Court nonetheless found that discrimination by sex was wholly unwarranted in this area and further was prohibited without any statute by the Equal Protection clause. By way of response to the Supreme Court's holding in *Goesaert*, the Court simply noted that:

"Social mores have not stood still since that argument was used in 1948 to convince a 6–3 majority of the Supreme Court that women might rationally be prohibited from working as bartenders unless they were wives or daughters of male owners of the premises . . . without suggesting that chivalry is dead, we no longer hold to Shakespeare's immortal phrase, 'Frailty, thy name is woman'. Outdated images of bars as dens of coarseness and iniquity and of women as peculiarly delicate and impressionable creatures in need of protection from the rough and tumble of unvarnished humanity will no longer justify sexual separatism."

In *Kirsten* v. *University of Virginia*,[25] the Court held that the exclusion of prospective female students from the University's Charlottesville campus violated their rights to equal protection of the law.

"We hold, and this is all we hold, that on the facts of this case these particular plaintiffs have been, until the entry of the order of the district judge, denied their constitutional right to an education equal with that offered men at Charlottesville and that such discrimination on the basis of sex violates the Equal Protection clause of the 14th Amendment."

The Court then approved U. Va.'s three year plan for phasing into a totally non-discriminatory admissions policy. This case was not appealed.

In *U.S. ex rel Robinson* v. *York*,[26] and *Commonwealth* v. *Daniel*,[27] the Courts invalidated statutes which provided more severe penalties for women than for men convicted of certain offenses. In the latter case, the Court held that the sole reason for this sentencing differential created by the State statute was because the defendant is a woman and as a result of her rights under the Equal Protection clause of the Federal Constitution have been violated. The Court stated that the Equal Protection clause of the 14th Amendment forbids a State to:

"Deny to any person within its jurisdiction the equal protection of the laws. Women are undoubtedly entitled to this protection of equality of treatment."

From a reading of the cases two things emerge, (1) there is still some division on the lower Federal court level as to whether women are to be treated on a parity with men before incidence of equal protection of the law; and (2) the weight of authority in the lower court holdings clearly indicate that sex alone is not a valid classification under the Equal Protection clause.

Current opinions on the subject of the 14th Amendment's application is that given modern social and economic conditions, and the expression of congressional intent, the U.S. Supreme Court, when given the proper opportunity, will hold that classifications based on sex alone are irrational or arbitrary and in direct contravention of equal protection. This is especially probable in light of the Court's expansion, in recent years, of the protections guaranteed by the 14th Amendment. The Court has invalidated legislative classifications based on such factors as poverty,[28] illegitimacy,[29] and duration of residence.[30]

The Supreme Court has granted certiorari in three cases which will be argued and most likely decided during its next term. One such case is *Reed* v. *Reed*,[31] where the Idaho Supreme Court upheld a statute providing that as between persons equally qualified to administer an estate, males must be preferred to females. The State Supreme Court held that this was not an "irrational and arbitrary classification" that would violate the 14th Amendment. This case seems to best present the issue of whether sex alone is a valid basis for classification under the Equal Protection clause. In *re Stanley*,[32] the Illinois Supreme Court upheld a provision of the Juvenile Court Act which regards unwed mothers of illegitimate children as parents, but does not so consider unwed fathers, hence custody of fathers is not protected. The Illinois high court held that this was not a denial of equal protection as the distinction between the class of mothers and the class of fathers "is rationally related to the purposes of the Juvenile Court Act." And in *State* v. *Alexander*,[33] the Louisiana Supreme Court held that absence of women on general venire lists for grand jury duty is not cause for quashing an indictment.

FOOTNOTES

[1] See S.J. Res. 25, S. Rept. No. 267, 78th Cong., 1st Sess. (1943).

[2] S.J. Res. 61, S. Rept. No. 1013, 79th Cong., 2nd Sess.; 52 Cong. Rec. p. 9405 (1946).

[3] 96 Cong. Rec. p. 872 (1950).

[4] 99 Cong. Rec. p. 8974 (1953).

[5] H.J. Res. 49, H. Rept. 907, 79th Cong., 1st. Sess., before Subcommittee No. 1 of the Committee on the Judiciary, Serial #6 (1945).

[6] Before Subcommittee No. 2 of the Committee on the Judiciary, 80th Cong., 2nd Sess., Serial #16 (1948).

[7] 116 Cong. Rec., p. H7984 (daily ed. Aug. 10, 1970).

[8] See Donaho, "The Proposed 'Equal Rights' Amendment in Relation to Labor Opportunities", *Library of Congress*, AP 161, July 7, 1970. Miller, "Sex Discrimination and Title VII of the Civil Rights Act of 1964," 51 *Minn. L. Rev.* 877, 894 (1967); Kanowitz, "Sex-Based Discrimination in American Law, III," 20 *Hastings L. J.* 305, 320, 341 (1968); Notes 1968, *Duke L. J.* 671, 705; 42 *So. Cal. L. Rev.* 183, 200 (1969).

[9] See Donaho, "The Possible Legal Effects of the Proposed 'Equal Rights' Amendment in the Area of Domestic Relations", *Library of Congress*, AP 160, June 5, 1970.

[10] See "Hearings Before Subcommittee No. 4, Committee on the Judiciary, House of Rep-

resentatives", 92nd Cong., 1st Sess., Serial No. 92.

[11] 83 U.S. 130 (1872).

[12] "The Equal Rights Amendment is not the Way," 6 *Harv. Civ. Rights—Civ. Lib. L. Rev.* 234, 237 (1971).

[13] *Lochner* v. *New York*, 198 U.S. 45 (1905).

[14] *Holden* v. *Hardy*, 169 U.S. 366 (1897).

[15] *Bundting* v. *Oregon*, 243 U.S. 426 (1916).

[16] 208 U.S. 412 (1908).

[17] 335 U.S. 464 (1948). In *Paterson Tavern and Grill Assn., Inc.* v. *Borough of Hawthorne*, 270 A2d 628, 39 L.W. 2296 (1970), the N.J. Supreme Court held that a municipal ordinance which, with the exception of female licensees tending their own bars and wives of male licensees, prohibited licensed taverns from employing female bartenders did not constitute necessary and reasonable exercise of its police power and was thus invalid.

[18] Sec. 703 of the Act, 42 USC Ser. 2000 c–2. In the regulations of the Equal Employment Opportunity Commission issued pursuant to Title VII of the Civil Rights Act of 1964, "Guidelines on Discrimination Because of Sex", the Commission ruled that State laws such as those which forbid or limit the occupation of females as a class in certain occupations or in excess of prescribed hours, etc., are in conflict with the Act because they "do not take into account the capacities, preferences, and abilities of individual females and tend to discriminate rather than protect." (29 C.F.R. 1604, f(b) (f).

[19] 368 U.S. 57 (1961).

[20] 251 F. Supp. 401 (1966).

[21] 411 F. 2d 353 (1969).

[22] 308 F. Supp. 1253 (1969).

[23] This section provides, in part, that any person who, under color of any State statute or regulation, subjects any citizen of the United States to the deprivation of rights secured by the Constitution and laws shall be liable to the injured party. Title 28, U.S.C. Ser. 1343 (3) (4) establish original jurisdiction in the district courts to entertain civil action to redress such deprivations against the equal rights of citizens secured either by the Constitution or by any Act of Congress.

[24] 317 F. Supp. 593 (1970).

[25] 309 F. Supp. 184 (1970).

[26] 281 F. Supp. 8 (1968).

[27] 430 Pa. 642, 243 A. 2d 400 (1948).

[28] *Harper* v. *Virginia Bd. of Elections*, 383 U.S. 663 (1969).

[29] *Levy* v. *Louisiana*, 391 U.S. 68 (1968).

[30] *Shapiro* v. *Thompson*, 394 U.S. 618 (1969).

[31] 465 P. 2d 635 Idaho 1970, cert. granted March 2, 1971.

[32] 256 N.E. 2d 814 (III. 1970, cert. granted Jan. 26, 1971).

[33] 233 So. 2d 891 (La. 1970, cert. granted Feb. 2, 1971).

Mr. Chairman, I rise in support of House Joint Resolution 208, as amended by the Judiciary Committee.

This resolution proposes an amendment to our Federal Constitution. Two-thirds vote is necessary for final passage. Your Judiciary Committee, after extensive hearings and careful consideration, has concluded that there are serious injustices directed toward women in our society and that a constitutional amendment is necessary to right these injustices.

This constitutional amendment has been before the Congress in one form or another since 1923. The Congress has not let it languish. These proposals have been reported to the other body on 10 different occasions and to this House twice since 1938. In 1946, the Senate considered the amendment and defeated it. In 1950 and 1953, the other body approved the resolution. However, on both of these occasions, the resolution was amended on the floor of the other body to include the so-called Hayden rider.

Last year, the House discharged its Judiciary Committee from consideration of a resolution dealing with equal rights for men and women. It then passed that resolution and referred it to the other body where it eventually died. Mr. Chairman, that particular resolution received very little deliberation from this House, although it was the Constitution we were amending. I simply could not go about that task without serious thought and consideration. There were too many questions affecting millions of people—men, women and children—that were not thoroughly thought out, let alone answered. To discharge a committee from consideration of a constitutional amendment, and to then pass it after 1 hour of controlled debate, was to forgo our legislative responsibilities; and for these reasons I voted against final passage of that resolution when it was before the House a year ago. This year, however, your committee has spent many days reviewing, researching, and revamping House Joint Resolution 208, and brings before you a proposal to amend our U.S. Constitution in a manner meaningful to all—men, women, and children.

I am sure that you are aware that during the subcommittee's consideration of this matter, we had some disagreements. Those members of Subcommittee No. 4 of the Committee on the Judiciary, who heard the public testimony on the equal rights amendment were closely divided on the legal impact of House Joint Resolution 208 as it was introduced. The subcommittee, after nearly 6 full days of public hearings was still unable to place in focus the legal implication of such a broad sweeping constitutional amendment. In executive session, the subcommittee and the full committee discussed at great length the possible social and legal ramifications of amending the Constitution in the manner provided for in House Joint Resolution 208, as introduced, and in the end, still had no consensus as to the possible answers to some very basic and fundamental questions. The subcommittee had many serious questions which remained unanswered until the full committee amended House Joint Resolution 208.

House Joint Resolution 208, as introduced, reads in pertinent part that—

> Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

During the course of the committee's extensive deliberations on this proposal, thorough consideration was given to the record of the public hearings conducted by the subcommittee in March and April of this year, as well as to the lengthy legislative history of similar proposals in past years. That consideration has led us to the conclusion that, in the form in which it was introduced, House Joint Resolution 208 would create a subtantial amount of confusion for our State legislatures and for our courts. To a large extent this confusion eminates from the fact that there is widespread disagreement among the proponents of the original text of House Joint Resolution 208 concerning its social and legal ramifications. These disagreements are so great as to create a substantial danger of judicial and legislative chaos, if the original text is enacted.

Although some of the proponents of the original language argue that the original text would permit both the Congress and State legislatures to make reasonable classifications into which sex is taken into account, other proponents argue strenuously that the use of the word "equality" in the original text is intended to assure that men and women are given identical legal treatment. As introduced, House Joint Resolution 208 has but one rational meaning for the word "equality," that is, identical treatment of the sexes in all cases. Professor Freund of Harvard law school clearly made this point. He stated:

> Presumably the amendment would set up a constitutional yardstick of absolute equality between men and women in all legal relationships. A more flexible view, permitting reasonable differentation, can hardly be regarded as the object of the proposal, since the fourteenth amendment has long provided that no State shall deny to any person the equal protection of the laws, and that amendment permits reasonable classification while prohibiting arbitrary legal discrimination. If it were intended to give the courts the authority to pass upon the propriety of distinctions, benefits, and duties as between men and women, no new guidance is given to the courts, and this entire subject, one of unusual complexity, would be left to the unpredictable judgments of courts in the form of constitutional decisions.

As amended by the Judiciary Committee, guidance is given to our State legislatures and our courts. House Joint Resolution 208, as amended, creates a standard of absolute equality except as modified by section 2; that is, absolute equality except in those cases in which the public health and safety calls for a legislative and judicial recognition of the differences that do, in fact, exist between the sexes. Should the word "equality" impose a single standard of sameness on the positions of the sexes in all their multifarious roles regulated by law, or should the word "equality" permit State legislatures and the Congress to enact laws that recognize reasonable differences in the sexes? The single standard of sameness would demand that any law, regardless of how reasonable, which differentiates between the sexes, be automatically stricken as unconstitutional. This construction would compel the courts to interpret the new amendment as a mandate to sweep away all statutory sex distinctions.

The Judiciary Committee felt that this standard would be undesirably rigid because it would leave no room to retain statutes which may reasonably reflect differences between the sexes. It is the committee's belief that the word "equality" should permit differences which are justified by good and compelling reasons, and that any difference having a partial basis in sex should be suspect, but not automatically invalidated. In such a case the State and Federal Government would have the up-hill burden of proving the compelling need for its enactment. It is this interpretation which the committee

believes is both meaningful and effective in solving the injustices directed toward women. And to assure this result, the committee recommends that House Joint Resolution 208 be amended in two respects.

The first committee amendment corrects an error of omission. The original text contains no reference to people. In most all other provisions of the U.S. Constitution reference is made to people, persons, or citizens. In the interest of sound draftsmanship and clarity, the committee added the words: "of any person" which includes both citizens and noncitizens, but not things or animals.

The second committee amendment is the one which most of you have been hearing about and it reads as follows:

> This article shall not impair the validity of any law of the United States which exempts a person from compulsory military service or any other law of the United States or of any State which reasonably promotes the health and safety of the people.

This recommendation of the committee does two things. One, it makes it clear that Congress may continue to exempt women from compulsory military service; and two, neither Congress nor State legislatures would be paralyzed from taking differences between the sexes into account when necessary and reasonable to promote, in fact, the health and safety of the people.

Most everyone agreed that if House Joint Resolution 208 were left unamended, the Congress would not be permitted to draft men unless women were also drafted on an equal basis, with integrated facilities. Also, in a time of national emergency, when young fathers would be subject to the draft, Congress could not discriminate in whether to draft the father or the mother. Under the amendment recommended by the committee it is clear that Congress may continue to draft men and not be forced into drafting women, including young mothers. Women during periods of peace and during times of war have served this Nation with great distinction and have given invaluable service both at home and on the battle fronts. No one doubts this fact.

The committee amendment would also retain for Congress its authority to make rules for the Government and the regulation of our military forces. That is, the amendment the Judiciary Committee recommends is not limited to compulsory military service, but also extends to voluntary military service. The committee amendment reads in part that this new constitutional amendment "shall not impair the validity of any law of the United States—which reasonably promotes the health and safety of the people." This would permit military regulations which pertain to volunteers to differentiate between men and women and provide for separate facilities and training programs. Women or men could not, for example, demand that they be sent into combat as a matter of right under the new constitutional amendment once they have volunteered for service. They may request, as may enlisted men today, combat duty and it may or may not be granted.

A person who volunteers for service in our military forces does so knowing full well of the military rules and regulations that are necessary for the maintenance of a stable, effective and well-disciplined military, and could not, as a matter of right, effectuate his personal preference during the time for which he or she has agreed to the military service of this country. Anything less would create disorganization culminating in confusion and absolute chaos.

In recommending this amendment, the Judiciary Committee was very much aware of the fact that in previous Congresses efforts have been made to attach to various equal rights proposals the so-called Hayden rider. When the equal rights amendment passed the other body in 1950 and 1953, Senator Carl Hayden of Arizona offered the amendment on the floor and it was adopted. His amendment reads that—

> The provisions of this article shall not be construed to impair any rights, benefits, or exemptions now or hereafter conferred by law upon persons of the female sex.

When this amendment was adopted by the other body, it received mixed reactions by both its proponents and opponents. Both sides claimed a victory, opponents of the measure expressing themselves as "much gratified" that special labor and other legislation had been safeguarded by the amendment offered by Mr. Hayden. In 1950, during floor debate on this amendment it was pointed out that its sole purpose: "is to protect women against the loss or impairment of rights, privileges, or benefits which they now enjoy under the law.

Mr. Chairman, let me make it clear that that is not the purpose of the amendment which the Judiciary Committee recommends to this House today. Women do not want this special treatment, nor does the Committee intend that it be given. It is common knowledge, Mr. Chairman, that our society no longer coddles women from the very real and sometimes brutal facts of life. Furthermore, women do not seek such oblivion. I cannot overemphasize that our committee amendment differs significantly from the so-called Hayden rider. Our amendment does not automatically embrace all laws that reflect a difference between the sexes as would the Hayden rider, nor would it automatically strike down these laws. To the contrary, it would embrace only those laws, be they domestic, labor or criminal, that in fact "reasonably promote the health and safety of the people" and strike down those laws that arbitrarily and unreasonably set women apart from men. The committee amendment is not a grant of authority to Congress or to the States. That part of the amendment which refers to the "health and safety of the people" is as broad in scope as the existing police power of the States in the area of public health and safety, but it does not grant such a power to the Federal Government.

In *Seidenberg* v. *McSorely's Old Ale House, Inc.* (308 F. Supp. 1253, 1969), a Federal court struck down, on constitutional grounds, a tavern's 114-year-old practice of serving only male patrons as violative of the equal protection clause of the 14th amendment. The court noted that—

> Social mores have not stood still since that argument was used in 1948 to convince a 6–3 majority of the Supreme Court that women might rationally be prohibited from working as bartenders unless they were wives or daughters of male owners of the premises. . . . Without suggesting that chivalry is dead we no longer hold to Shakespeare's immortal phrase 'Frailty, thy name is women'. Outdated images of bars as dens of coarseness and inequity, and women as peculiarly delicate and impressionable creatures in need of protection from the rough and tumble of unvarnished humanity will no longer justify sexual separation.

Mr. Chairman, the equal protection clause of the 14th amendment is presently being used by our lower Federal courts to invalidate arbitrary and invidious discrimination directed toward women. These discriminatory features of our legal system could be eliminated, in my opinion, without amending our Constitution if the U.S. Supreme Court were eventually to accept these lower court rulings that accord women the full benets of the equal protection clause of the 14th amendment. However, to date the case law in this area has not been thoroughly developed. Yet it is important that we make clear that House Joint Resolution 208, as reported to this House, is very similar in meaning to the equal protection clause of the 14th amendment, except that under House Joint Resolution 208 as reported, sex alone would not be a valid basis for classification. Under the proposed constitutional amendment, as amended by the Judiciary Committee, the courts, both State and Federal, would be directed to eliminate all unfair and irrational sex distinctions. Just as statutes classifying by race are subject to a very strict standard of equal protection scrutiny under the 14th amendment, so too any State or Federal statute classifying by sex would likewise be subject to a strict standard of scrutiny under the proposed new constitutional amendment. Under such a strict standard a heavy burden would be placed on the State or Federal Government to show that any legal distinction between the sexes was compelled by some fundamental interest of the State or Federal Government in the health and safety of the people. However, while being strict, the court could also be flexible and apply rules of reason in those cases in which an overriding State or Federal interest relating to the draft or to health and safety calls for judicial recognition of the differences that do, in fact, exist between the sexes.

Mr. Chairman, many of our colleagues have received correspondence stating that the Judiciary Committee has encumbered House Joint Resolution 208 by "crippling amendments" and these same people will, no doubt, support an attempt to reject the work product of the Judiciary Committee and return to House Joint Resolution 208 as it was introduced. It may assist your understanding of this emotional issue to know who opposes the equal rights amendment in its original form. Because of its vagueness, its ambiguities, and its adverse impact

upon the working women of America, persons commonly regarded as America's most distinguished and learned constitutional scholars. Profs. Paul A. Freund of the Harvard School of Law and Philip B. Kurland of the University of Chicago, both found the original language unnecessary and unwise. Professor Freund put it this way:

Lawyers, in particular, have an obligation to ask these questions and to weigh the answers that are given. For if the amendment is not only a needless misdirection of effort in the quest for justice, but one which would provide anomalies, confusion, and injustices, no symbolic value could justify its adoption.

Mr. Chairman, because of the adverse impact which the amendment would have upon the working women of this country, many leaders of our labor unions testified against the amendment in the form it was introduced. For example:

Mr. Andrew J. Biemiller announced the opposition of the AFL–CIO to the equal rights amendment, declaring it "a blunderbuss approach" which can only result in throwing all protective labor laws applicable to women out of the window.

Miss Ruth Miller, speaking for the 390,000 members of the Amalgamated Clothing Workers of America, 75 percent of whom are women, opposes the equal rights amendment "because it would in one fell swoop wipe out those remaining protective labor standards—standards which were designed to shield women from excessive exploitation to which they were and still are subjected." My colleagues from California may remember Miss Miller as chairman of the California Advisory Commission on the Status of Women, appointed by Governor Brown. She makes the compelling point that the enactment of the equal rights amendment, as originally proposed, will immediately cost low-paid women working in agriculture in California between 5 cents and 35 cents per hour.

Mrs. Leon Keyserling, on behalf of the 12 million members of the National Council of Catholic Women and the National Consumers League, opposes the equal rights amendment because—

It would deprive many women of rights, opportunities and benefits . . . would create confusion . . . and would do the majority of women more harm than good.

It will be recalled that Mrs. Keyserling, a distinguished economist in her own right, served as Director of the Women's Bureau for the Department of Labor in an earlier administration.

Mrs. Myra K. Wolfgang, international vice president of the Hotel and Restaurant Employees Union, AFL–CIO, strongly opposes the equal rights amendment on behalf of the thousands of female members of that union. She testified:

All the equal rights amendment will do . . . is to make the role of the working women harder by removing the legislation that protects her . . . and sending her home to her second job exhausted. Our goal should be to humanize working conditions for all, not to dehumanize them for women in the name of equality.

The International Union of Electrical Workers, AFL–CIO, supports the concept of equal rights for women, but opposes the equal rights amendment as originally proposed. In this, the union echoes the sentiments of other organizations, such as the National Council of Negro Women and such distinguished individuals as anthropologist, Margaret Mead.

Mr. Chairman, the so-called crippling amendments to House Joint Resolution 208 adopted by the Judiciary Committee which have caused some to complain are intended to achieve two desirable objectives:

First, to dispel the uncertainty in the original language as to whether the amendment is applicable to "persons" or "citizens" or, perhaps, "things" as well. This amendment is consistent with the style and pattern of other amendments to the Constitution.

Second, to permit Congress to retain the option of exempting women from compulsory military service; and to avoid the automatic abolition of all State and Federal laws, however badly needed and however rational and reasonable, which distinguish between the sexes and which reasonably promote the health and safety of the people.

The amended text is a ringing declaration of sexual equality which we can and should suppport. It avoids, however, the unreasonable and unwanted consequences which follow if government is compelled as a matter of constitutional law, to treat men and women identically in all cases.

Mr. Chairman, for the record, it is the official position of both the Republican and Democratic Parties to strongly favor the adoption of an amendment to the Constitution providing for equal rights for men and women. This has been their position for many years. In the 1944 national platforms of the two major political parties, the Republican platform stated:

We favor submission by Congress to the States of an amendment to the Constitution providing for equal rights for men and women.

The Democratic platform declared:

We recommend to Congress the submission of a constitutional amendment on equal rights for women.

Both parties have historically supported equal rights for women. However, they have never been inflexibily wedded to any particular language to accomplish this objective. What each of the two national parties have in mind is an endorsement of the general idea of equal rights for women, without specifying just how that result would be attained. It is my contention that Members can comply completely with the pledges made by the Republican and Democratic Parties if they vote for House Joint Resolution 208 with the Judiciary Committee amendments added to it.

Mr. Chairman, I also contend that House Joint Resolution 208 as amended, is consistent with the position of the administration. Speaking for the administration and the U.S. Department of Justice, Assistant Attorney General, William H. Rehnquist testified before Subcommittee No. 4 that—

House Joint Resolution 208, as amended by the Judiciary Committee declares:

While the President, the Administration and undoubtedly most of the Nation are united in their desire to achieve equality for women, as that term has been commonly understood, there is some question as to whether the broadest possible construction of the amendment may not go substantially beyond that common understanding. We would have some doubt as to whether there is a national consensus for compelling all levels of government to treat men and women across the board as if they were identical human beings. Certainly many people feel that publicly maintained restrooms should continue to be separate, that differing ages of consent and majority are, under some circumstances, justifiable, and that laws which are adopted with the genuine purpose of protecting women, rather than as a disguise for discriminating against them, are likewise permissible. Even if one were to determine for himself that all of these differences in treatment ought to be abandoned, under a Federal system such as ours, the question would remain as to whether a unitary rule should be promulgated by constitutional amendment which would deny each State the right to choose for itself among rational alternative policies.

House Joint Resolution 208, as amended by the Judiciary Committee declares:

Equality of rights of any person under the law shall not be denied or abridged by the United States or any State on account of sex.

This ringing declaration of sexual equality is consistent with the historical position of both parties. Subsequent language in the amendment which was added by the Judiciary Committee merely anticipates and avoids the unwanted consequences which are predictable when such sweeping language becomes part of our fundamental law and available for judicial interpretation.

To its credit, the Judiciary Committee has proposed an amendment to our Constitution which declares, as a matter of constitutional principle, the equality of the sexes and insures that women will receive equal protection under the laws of the States and of the United States. It avoids, however, the unreasonable and unwarranted consequences which would follow if Government is compelled, as a matter of constitutional law, to treat the sexes identically in all cases.

Your support in resisting amendments to strike portions of the Judiciary Committee approved text will be greatly appreciated.

Mrs. GRIFFITHS. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. Of course I yield to the distinguished gentlewoman from Michigan.

Mrs. GRIFFITHS. The Constitution, as the gentleman will agree, does not protect the rights of birds, fishes, and so on; is that right? It applies only to people, is that not correct?

Mr. WIGGINS. Yes; I would answer that in the affirmative. But there is a difference between "persons" and "citizens." The amendment offered by the gentlewoman from Michigan is ambiguous in that it does not indicate whether it refers only to citizens or to persons who are not citizens.

Mrs. GRIFFITHS. The wording of the amendment is not ambiguous at all. The word "persons" is totally unnecessary.

Mr. WIGGINS. I respect the gentlewoman's opinion. However, the 14th amendment, for example, in referring to people differentiates between persons and citizens and there is no valid reason to permit this ambiguity to stand in this constitutional amendment.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from California.

Mr. EDWARDS of California. Mr. Chairman, I am sure the gentleman is not inferring that Professors Freund and Kurland are endorsing the resolution reported by the Committee on the Judiciary?

Mr. WIGGINS. No; I only wish to infer that they oppose the equal rights amendment as introduced by our colleague, the gentlewoman from the State of Michigan (Mrs. GRIFFITHS). I do not wish to indicate support of the committee amendment.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I would ask the gentleman from California whether in the committee deliberations there was a discussion on the possible implications of this proposed amendment, and if so, what the committee determined would be the effect on the laws of the several States relative to abortions? Would it abolish them, or what would the legal effect be?

Mr. WIGGINS. Let me say first of all that the specific issue of abortion was not discussed at length, but I think it is fair to say that the original amendment as proposed by the gentlewoman from Michigan would require identical treatment of women and men in all cases except those limited number of cases in which there is an obvious physical reason for the difference. There were mentioned only two or three in the whole testimony. A man could not be an actress. A man could not be a sperm donee. Only a woman, for example, would be entitled to maternity leave, and the like. These very narrow differences would be the only differences permitted under the original amendment.

Insofar as the abortion laws are concerned, it does affect a physical condition and I suspect that classification would be permissible under the equal rights amendment as proposed by the gentlewoman from Michigan.

Mrs. GRIFFITHS. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentlewoman to respond to that question.

Mrs. GRIFFITHS. Mr. Chairman, I think the gentleman for yielding and thank him for his response because the equal rights amendment has absolutely no affect on any abortion law of any State.

Mr. EDWARDS of California. Mr. Chairman, I yield 5 minutes to the distinguished Speaker of the House of Representatives, the gentleman from Oklahoma (Mr. ALBERT).

Mr. ALBERT. Mr. Chairman, both of the preceding distinguished speakers have referred to the fact that this has been a bipartisan issue for a number of years. I know that in 1964 at the Democratic Convention in Atlantic City, I was chairman of the Platform Committee and the gentlewoman from Connecticut (Mrs. GRASSO) was cochairman. We adopted an amendment in principle identical to the resolution sponsored by the gentlewoman from Michigan (Mrs. GRIFFITHS).

I think the same was true of the Republican Convention both in 1964 and in 1968.

When the House passed the equal rights amendment last year we passed a resolution that would have provided equality of rights without qualification.

The equal rights amendment has been introduced in every Congress since 1923. And ever since 1943 the essential provision of the amendment has remained the same:

> Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Simply stated, the equal rights amendment merely directs governments not to discriminate on the basis of sex.

Sex discrimination touches all women in our society—young and old, married and unmarried, homemakers and wage earners. Young women face discrimination in education. Older women face discrimination in public accommodations and in housing.

Married women in community property States have no right to help manage the property of the marital community. Unmarried women who become pregnant are often expelled from school or fired from their jobs.

Homemakers lack adequate protection under social security. For example, a wife who is divorced in her fifties and who has never worked outside the home, having been married 20 years, has no social security of her own and may not draw on her husband's unless he has been supplying half of her support. This would be corrected by H.R. 1 as reported by the Ways and Means Committee, but much more remains to be done.

Female wage earners also face discrimination in employment. More than 43 percent of all adult women are in the labor force, but the average female full-time worker earns only 60 percent as much as the average male full-time worker. As these examples clearly show, sex discrimination is a national problem.

The problem of sex discrimination must be corrected, and the Equal Rights Amendment is the proper means of correction. The 14th amendment will not do the job. The 14th amendment was ratified more than 100 years ago, and the Supreme Court has not yet found unconstitutional any law that discriminates on the basis of sex.

Nor will piecemeal legislation alone be effective. Without a firm national policy to give impetus and direction, legislative changes will take decades. The Equal Rights Amendment would create such a policy.

Although the Equal Rights Amendment would attack directly only sex discrimination sanctioned by law, the amendment would challenge indirectly the prejudice and private discrimination against women which pervade our society. The Equal Rights Amendment would signify a national commitment to eliminate sex discrimination.

Laws should not rest on faulty assumptions about over half of the population. Legal rights and responsibilities should not be conferred or denied on the basis of sex. To initiate and coordinate the revision of all laws and official practices that discriminate on the basis of sex, and to provide for constitutional protection against sex discrimination, we need an Equal Rights Amendment to the Constitution.

I urge you to approve House Joint Resolution 208 without amendments.

Mr. WIGGINS. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, the debate this afternoon will center around the Wiggins amendment. But there is a more fundamental question before us. Is a constitutional amendment required at all to establish equality of rights under the law between the sexes? I submit it is not.

Legislative power already exists to strike down every vestige of inequality between the sexes under the law. A constitutional amendment is not needed, either to create that power, to extend it, or to perfect it. Whatever distinction may still exist between men and women as to their legal rights is found in statute law or in the common law. It does not exist by reason of any provision in the Constitution. Therefore no change in the Constitution is required. The common law can be superseded by statute and changes in statute law can be accomplished by legislation.

So if a constitutional amendment is unnecessary, why do we resort to it?

Well, one reason the proponents give is impatience with the piecemeal approach of the legislative process. They want to remove all inequality at one time by denying the power of Government to recognize any inequality. What they apparently fail to see is that they are simply trading one piecemeal approach for another. Instead of working with State legislatures and the Congress to write laws, amend laws, and repeal laws to remove such vestigial inequalities as yet remain, they will be suing in the courts to define the word equality, case by litigated case. All they will have accomplished is to change the forum, from the legislature to the courts. They will transfer the power to make public policy in this important and rather fundamental area out of the legislative branch of Government. The branch most directly responsive to the public will, and place it in the judiciary, the branch least responsive, and the Federal judiciary is not reachable by the people at all.

Far different than enacting a statute which may be amended to reflect changing times or to correct court interpretations of it, once Congress assents to the placing of language in the Constitution it puts that language beyond its reach. The language then becomes the tool of the Supreme Court to interpret as it will. The legislative power to determine pub-

lic policy in response to the public will is thereby restricted. Every legislative enactment becomes subject to still another constitutional test—is the statute free of distinction on account of sex?

I do not favor the transfer of policy-making decisions out of the Congress and out of State legislatures into the Supreme Court of the United States.

And it is hard for me to understand why the proponents of this amendment fail to see they are doing just that. During debate on another bill on September 16, at page 32098 of the RECORD, the gentlewoman from Michigan (Mrs. GRIFFITHS) stated with much feeling that—

If there is any group that should not be willing to trust their rights to the Federal courts of the country, it is women.

She stated further:

If there is any group to which I am not willing to trust my rights it is the Supreme Court of the United States.

These words by the sponsor of the proposal before us make it evident the proponents do not intend to transfer this whole question of women's rights to the courts, but a constitutional amendment does just that. Better public policy would be to seek legislative solutions to these inequalities.

Now another thing wrong with the proposal under debate is the further violence it does to our Federal system. Section 1 is a limitation upon legislative power, both State and Federal, section 2 then vests in Congress the power to enforce the provisions of section 1 by appropriate legislation. It is not beyond the realm of possibility that sometime in the future the Court may find that by this amendment, and particularly the second section thereof, Congress was vested with power to take from the States the whole body of domestic relations law and perhaps part of their property law as well. These vast new powers would of course be exercisable by Congress only under the definitions given by the Court to the word equality.

The proponents say this amendment will not reach nongovernmental action. They argue that by its language the prohibitions of amendment will reach only the United States and any State.

The 14th amendment by its terms reaches only State action. Still, the court has extended that amendment to cover private actions and we should expect the language here to be similarly stretched. Under the 14th amendment the court has applied the equal protection clause to private land covenants and to trusts. It accomplished that by declaring that no agency of Government could be used to enforce those otherwise valid covenants and trusts, and agencies of the Government included the courts themselves.

So we should anticipate the time when the court, applying the equal rights amendment, will hold a trust unenforceable if it makes distribution of either income or corpus to the daughters of a trustor at a different age or on a different basis than distribution to sons.

Suppose a private boys school sued for breach of contract in any court in the land with this proposed amendment part of the Constitution. It is possible the court could be persuaded the plaintiff had no right to use the court, an agency of Government, in which to sue, since it did no enroll both boys and girls.

We have learned that the Supreme Court has found meanings and powers in constitutional amendments undreamed of and unintended by the Congress which proposed them and the State legislatures which ratified them. In the light of this history, Congress should painstakingly and exhaustively inquire into and even speculate upon all possible interpretations the court may place upon the language if Congress would truly understand the scope of the restriction upon legislative power this proposed amendment encompasses.

The extensive hearings held by the Judiciary Committee on this proposal earlier this year point up the disagreements among its supporters as to the precise meaning of it. The key phrase is "equality of rights under the law." Some witnesses thought this should require an identity of treatment without regard to sex. Others thought some rights would subsist, such as a right of privacy, which would permit the separation of the sexes where appropriate. The question of sexual segregation in prisons and penitentiaries, in educational institutions, and in medical and mental hospitals arises. The right of privacy is not clear in the law. Until now, when it has been recognized at all it has been asserted only as a personal right. Could the legislative power make it a criminal offense to violate the segregation of sexes in institutions or even in public buildings if consenting persons chose to waive their personal rights of privacy? Proponents want to leave all of these policy decisions to the courts. I believe they should be left in the legislatures and in the Congress, and the way to leave them here is to defeat this amendment.

I am apprehensive the Courts may in the future find within this amendment constitutional power to effect a revolutionary change in the institution of the family. I realize that at this point in our history America is suffering under weakened family ties and a crumbling sense of responsibility of parents for their children. I believe our public policy should be to restore the family unit. I do not mean that we should limit women to the role of housewife and homemaker. Far from it. But most women in our society will continue to perform that function in the future as they have in the past—and they will do it as a matter of choice and out of a sense of responsibility albeit they are highly educated. The legislative power should remain to afford them some preferences in property law and in domestic relations law as a recompense. This Amendment, it seems clear, will deny them those protections.

The Wiggins amendment will preserve the legislative power not to subject them to a military draft and to afford working women such preferences as legislatures and the Congress may enact in response to the public will. But the Wiggins amendment will not preserve the legislative power over domestic relations law or property law which is so vital to a strengthening of the family.

Responding to the popular demand for absolute equality in nearly everything these days, there are vestigial inequalities between men and women which probably should be legislatively removed. But the change should be by legislation which can be again altered as the tenor of the public will changes in the future. Provisions chisled into the Constitution are terribly permanent and are changeable only by judges not reachable by the people.

Consider if you will how far along the road we have already traveled in this country toward Government by judges. We describe our governmental system as a democracy in a republic. But where is the seat of ultimate decision today? It is in that court across the street. Of the three branches of Government, it is the least democratic, the least representative. Why do we hasten to give it more words to interpret, restricting our own legislative powers in the process, especially in cases such as this where we already have the power—we in this Congress and the several State legislatures—to right whatever inequality seems now improper.

If the legislative branch of Government is to recapture its position of a coequal in this federal system of ours, we have the responsibility to jealously retain the legislative power with which the Constitution vests us.

I oppose the amendment as constitutionally unnecessary and unwise.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield for a question.

Mr. HUTCHINSON. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I am intrigued by the gentleman's argument that one of the dangers of this amendment would be that it would open up a field for interpretation by the courts instead of retaining it for legislative interpretation. I wonder if this same sort of argument could not be made on every provision of the Bill of Rights. How does the gentleman square this with his position on the rest of the Bill of Rights?

Mr. HUTCHINSON. I believe that the Bill of Rights is pretty complete as it is. The fact of the matter is I am pretty well satisfied that the 14th amendment as it is being interpreted today is strong enough to take care of any constitutional rights which now exist.

Mr. WIGGINS. The gentleman has heard the argument repeated many times that women are not persons under the 14th amendment and no rights have been accorded a woman under the 14th amendment. I wish the gentleman would comment on the accuracy of that statement.

Mr. HUTCHINSON. All citizens, all persons, are entitled to rights under the 14th amendment. All of the rights that you and I enjoy as persons and citizens under the 14th amendment are given to our wives, our sisters, and mothers and to all women of the country.

Mr. WIGGINS. Would you not say it is accurate that practically all of the rights conferred by the first 10 amendments have been incorporated in the 14th amendment, and are applicable to women?

Mr. HUTCHINSON. Because that is the way the court interprets it, and certainly it applies to women equally with men, as all of the Bill of Rights does.

Mrs. GRIFFITHS. Will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentlewoman.

Mrs. GRIFFITHS. If that is true, then, may I ask, why Mrs. Minor from Missouri in the 1860's was denied the right to vote after the 15th amendment was passed?

Mr. HUTCHINSON. Because at that time the 14th amendment——

Mrs. GRIFFITHS. It was already in effect. Both the 14th amendment and 15th.

Mr. HUTCHINSON. At that time, the gentlewoman well knows, the 14th amendment was not nearly as broadly construed as it is today.

Mrs. GRIFFITHS. No; that is not really the reason. The real reason is because they said that you could make any rule against women as a class and they could not vote. If it were true that the 14th amendment really applies to women, can you name one case in which a woman has asked for due process or equal rights or for any other right under that amendment and has been granted that right?

Mr. HUTCHINSON. In her unique character as a woman rather than as a——

Mrs. GRIFFITHS. No; just because she is a human being. Name one case.

Mr. HUTCHINSON. I would not agree with the gentlewoman because I am sure——

Mrs. GRIFFITHS. Name one case.

Mr. HUTCHINSON. Because I am sure there have been many cases before the Supreme Court of the United States where women have been parties.

Mrs. GRIFFITHS. There has never been a case.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I am glad to yield to the gentleman from California.

Mr. WIGGINS. Since the gentlewoman from Michigan referred to Mrs. Minor, it might be appropriate to quote from the case of Minor against Happersett, the case to which she referred.

In *Minor* v. *Happersett*, 88 U.S. 162 (1874), the U.S. Supreme Court was asked to hold that a Missouri law confining the State's elective franchise to males was invalid under the 14th amendment. The argument was based on the "privilege and immunities of citizenship" clause and on "equal protection"; the Court, in upholding the statute, discussed primarily the former. Conceding that women were both "persons" and "citizens" within the meaning of the 14th amendment, the Court held that suffrage was not one of the "privileges" referred to. The Court relied on the existence of the 15th amendment as demonstrating Congress' belief that suffrage was not covered by the 14th amendment. The Court stated:

> There is no doubt that women may be citizens. They are persons, and by the fourteenth amendment "all persons born or naturalized in the U.S. and subject to the jurisdiction thereof" are expressly declared to be "citizens of the U.S. and of the State wherein they reside." (See *Yick Wo* v. *Hopkins*, 118 U.S. 356, 369; 16 A.C.J.S. Sec. 503).

Sixty-three years ago, the U.S. Supreme Court in *Muller* v. *Oregon*, 208 U.S. 412 (1908), upheld an Oregon statute which provided that no female shall be employed in any mechanical establishment or factory, or laundry for more than 10 hours a day. The Court held that the physical well-being of women is an object of public interest, and the regulation of her hours of labor falls within the police power of the State. To say that the Muller case stands for the proposition that women are not to be considered "persons" guaranteed equal protection of the law is a misstatement of its holding. To say that it is authority for the proposition that a State may regulate via its police power the working hours for women, but not for men, is too a misstatement. The Supreme Court has upheld State statutes before and after the Muller decision that regulated the working hours of men. All that can be fairly gotten from the Muller case is that a State legislature acted rationally when it regulated the working hours of women for her protection as a class, based on conditions as they existed in 1908.

The Muller decision may have served a useful purpose in 1908, but has no relevancy in 1971. With reference to this and similar cases, Professor Freund of Harvard Law School stated that they "are museum pieces and should not figure many present discussions of equal rights."

If women were not considered "persons" under the 14th amendment, they would not have the rights which they enjoy today. Women, as well as men, have freedom of religion, freedom of speech, freedom of the press, and the right to petition the Government for a redress of grievances. Women have the right to be secure in their persons, houses, papers against unreasonable searches and seizures. Women may not be twice put in jeopardy of life or limb, nor be compelled in any criminal case to be a witness against herself. They have a right to be advised of their rights when arrested and before being interrogated and they have the right to the assistance of an attorney. The amendments guaranteeing these rights use the term "persons" or "people." No one doubts that these federal guarantees are fully applicable to women. These same prohibitions apply to the States via the 14th amendment. The term "person" as used in the 14th amendment as it incorporates the Bill of Rights does include women.

Therefore, it is not entirely accurate to say that women are not included in the 14th amendment. The courts have always permitted rational classification under the equal protection clause, and women as a group in some instances were classified differently than men. By the same token, men as a class, have been denied special benefits available to women.

Both are persons under the Constitution. Statements to the contrary is simply in error.

Mr. EDWARDS of California. Mr. Chairman, I yield 15 minutes to the distinguished chairman of the Committee on the Judiciary, Mr. CELLER.

Mr. CELLER. Mr. Chairman, at the outset my position is this: Discrimination against women exists. I do not condone and, indeed, I deplore the practice of discrimination. My opposition is addressed to the remedy. That remedy should be by statute, not by constitutional amendment.

My concern is the broad sweep of the amendment. It wipes out much that is bad but much more that is good. It uses a bulldozer rather than a pick and a shovel.

In considering this important amendment, history, tradition, custom, mores cannot be disregarded. You cannot abolish the differences in sex. That difference must involve in many instances difference in treatment. There is as much diversity between a man and a woman as there is between lightning and a lightning bug. That distinction has been recognized since the dawn of history and it will continue until kingdom come.

The equal rights amendment can well overkill, can be counterproductive; it would wipe out every vestige of difference in treatment. Many of these differences of treatment are essential for the well-being of women, for women's protection.

Despite history and tradition, I do not applaud the idea of man's so-called preeminence, the mores, the traditions which regard him as such.

Keep in mind this: The courts will be compelled to define and redefine the final meaning of every word of the amendment if it is adopted. And the courts cannot disregard history and custom in shaping the future; it cannot disregard the past. The amendment cannot be construed in a vacuum.

It is not enough to safeguard the future; we must have a future worth safeguarding. This amendment will not help our future. It has even been suggested by a proponent of the amendment that the "underlying social reality of the male as provider and the female as child bearer and rearer of children has changed." May I ask, in turn, who is bearing the children and who is rearing them? As far as I know, the Fallopian tube has not become vestigial.

The women's lib organization says, "We do not want protection. We want liberty." Most women's labor organizations call that sort of "liberty" a lot of nonsense.

I repeat, irrational discriminations exist against women. Of that there can be no denial. Let it be understood that my opposition on the equal rights amendment is not to be equated with condoning practices or patterns of discrimination. The dissent runs not against the purpose of the amendment but against the method.

Equality of opportunity for women can be achieved. We can by statute sharply outline the areas of discrimination, supplying specific remedies to specific wrongs, instead of venturing into a quicksand of phraseology, guilty of imprecision and ambiguity, and highly susceptible to contradictory definitions.

In the swirling arguments and differing interpretations of the language of the proposal, there has been very little thought given to the triple role most women play in life; namely, that of wife, mother, and worker. This is a heavy role indeed, and to wipe away the sustaining laws which help tip the scales in favor of women is to do injustice to millions of

women who have chosen to marry, to make homes, to bear children, and to engage in gainful employment, as well. For example, in most States, the primary duty of support rests upon the husband. One possible effect of the equal rights amendment would be to remove that primary legal obligation. The primary obligation to support is the foundation of the household. I refuse to allow the glad-sounding ring of an easy slogan to victimize millions of women and children. As one witness put it before the committee:

> It is doubtful that women would agree that a family support law is a curtailment of rights. The divorced, separated, or deserted wives, struggling to support themselves and their children, may find claims to support even harder to enforce than they are right now.

Some have suggested the equal rights amendment may open the door of the cage imprisoning women.

A recent Roper poll proved women were not interested in so-called escaping from the so-called cage. It is true that male arrogance, brawn, and bravado have at times thwarted women's attempts to be accorded their due rights. This must change; this is up to us.

Is it not passing strange that women have had the vote for half a century, but used the vote overwhelmingly, not to elect women, but to elect men? And they have done that for 50 years.

Some of the amendment's sponsors seek, in a way, to annihilate the effects of and role of sex; their efforts are as useless as a gun without a bullet. There are areas now dominated by men into which women cannot enter. Construction workers on skyscrapers will continue to be men. Work on high suspension bridges will be continued by men. Women are not likely to serve as sanitation workers lifting heavy garbage cans.

Shall women enter the battle formations integrated with men for actual battle and carnage with fixed bayonets? Even mothers could not be shielded from war duty if fathers must respond to war duty.

You will recall that the sixth labor of Hercules was to clean the Aegean stables where the stalls of 3,000 oxen had been unattended for 30 years. And while it is reported that he did the job in a single day by diverting the waters of two rivers, Alpheus and Peneus, through the stables in 1 day, the account makes no reference to the consequences downstream, the pollution downstream. And so it is with the equal rights amendment. We have banners flying, with enticing slogans, "Equal Rights," "Crush Phallic Imperialism"—but what of the aftermath, the damage downstream? As to that, there is ominous silence, or glossing over.

I stress that we are dealing with a constitutional amendment. Every word thereof will have exacting scrutiny. It would be irresponsible to dismiss the language as a mere declaration of policy without consideration of the possible injurious effects that can flow therefrom. Family life is threatened. The institution of marriage is threatened.

Some credit is due the women's lib movement for emphasizing dramatically the need to eliminate sex discrimination. But in their zeal and excitability they use a cleaver instead of a blade. The age of consent, dower and courtesy, domicile, insurance rates, custody of children, duty to support, segregated correctional institutions, are only a few of the subjects as to which existing social benefits will be set at naught.

Shall we disregard such results, such welfare pollution downstream?

These questions would become litigable issues, bringing the Federal courts into the delicate fabric of domestic relations.

There will be an avalanche of cases clogging our already overcrowded Federal courts for years to come.

The amendment calls for unitary treatment regardless of facts or circumstances. That alone will give rise to endless interpretations. Would, for example, separateness based on sex apply in federally, as well as State and locally assisted or maintained institutions such as universities, colleges, prisons, and congressionally chartered groups?

It would take years and years to decide these questions.

Part of the problem of discrimination is not made by law and cannot easily be erased by law. It can only be abolished by changed attitudes of society—erasing the work of our forebears. Others can be eliminated by statute.

Many of the discriminations I abhor—they are unfair against women. But many of these discriminations are the result of traditions and mores. Others are the result of nature, the result of the germ plasm. No amendment can change them.

Inequities between the sexes arise out of law—or even the absence of law. They can and should and are being changed by statute.

We have passed a statute providing equal pay for equal work and the fair employment opportunity statute—doing away with bias against women in jobs.

State laws prohibiting women as bartenders, mine workers, and police guards and in jobs involving night work have been abolished.

These reforms are continuing unabated. These discriminations are gradually being broken down. No amendment is necessary.

Some advocates of the amendment say that the interpretation of the amendment is not absolute or doctrinaire. They say reasonable classification can be made. They say West Point need not be dismantled because girls could enter. The Naval Academy would function with girls. Well, I wonder. I wonder, indeed.

So they say about our Air Force Academy. They say there could still be a Boston Boys Latin School or a Girls Latin School. This is just wishful thinking. There could be no such schools based upon sex. The amendment would forbid it.

They say life insurance companies could still charge women lower life insurance premiums because they have longer life expectancy. Well, I wonder whether men would take that as discrimination against them under the amendment.

Presently we have many protective statutes for women—there are restraints on employers to prevent excessive hours of work, fair standards to insure health and well-being of female workers, rest periods, separate rest and wash rooms.

These statutory provisions for the protection of women would be cast into limbo. They do not affect men and, therefore, would be in violation of the equal rights amendment.

To this argument the women's lib organizations say:

> We do not want protection—we want liberty.

Well, most labor organizations call that sort of liberty just a lot of nonsense—a lot of malarky.

So, my good friends, I agree with the Department of Justice which inclines to the view that a constitutional amendment is not necessary. We have adequate remedies in the law and if statutes are not meeting the situations further statutes should be enacted. We have the 14th amendment and we have the fifth amendment under which, in cases which could be presented to the courts thereunder, women could be amply protected in their equal rights.

An equal rights amendment has an appealing sound. But when closely examined, it is found to be fraught with ambiguities destined to produce years of litigation in every segment of our social structure.

There is no question about it—discrimination against women does exist in this country. We find it in employment, in education, in federally assisted programs, in public accommodations; we find it almost everywhere. What is more—we find sex discrimination practiced not only in the private sector, but at all levels of government.

My abhorrence of discrimination of any kind is well known to all of you. But when legislation can deal with such inequities, the legislative route is the one to follow. Legislation can pinpoint a problem area and pinpoint a remedy. Title VII of the Civil Rights Act of 1964, directed in part at sex discrimination in employment, is a good example. Legislation can be enacted here in Congress; it does not have to await ratification by the legislatures of 38 of our States. Legislation will be applicable to both the government and the private sector.

Senator ERVIN of North Carolina reminded our subcommittee that custom and law have traditionally imposed upon men the primary responsibility to provide a habitation and a livelihood for their wives and children and have imposed upon women the responsibility to make homes out of these habitations and to furnish nurture, care, and training to their children during their early years. He recalled the ancient Yiddish proverb that God could not be everywhere, so He made mothers. He warned us that a country which ignores the physiological and functional differences between men and women in fashioning its institutions and laws is woefully lacking in rationality. Thus far we have not been such a country. Our institutions of marriage, home, and family are still cherished and our laws have adhered generally to reasonable distinctions in rights and responsibilities of men and women.

Though many women find stimulation

and satisfaction in business and professional pursuits, many—perhaps most—find their fulfillment in raising their children and maintaining their homes. We must be certain that we do not trample their aspirations while opening opportunities to others.

The effect of the amendment on questions of family domicile, responsibility for support, dependent children, divorce, alimony, child custody, and a myriad of other aspects of domestic relations cannot be predicted. We are being asked to swallow the ocean in one gulp.

The gentlewoman from Michigan (Mrs. GRIFFITHS) recently sent to each Member of the House a copy of an April 1971 Yale Law Journal article on the equal rights amendment. I find it difficult to believe the authors are serious when they suggest that husbands and wives need not have the same family name. Nor can they be serious when they suggest that a State might require a couple to have the same family name, but leave it to them to determine whether it will be his, hers, or some other name they select.

The authors conclude that, in the field of domestic relations, couples should be free to allocate privileges and responsibilities between themselves according to their own individual preferences and capacities. Are we not inviting chaos if, for example, States can no longer impose a primary obligation of support, as is now done in all 50 States?

And, can we realistically expect the States to work out in 2 years, as required by the amendment, all of the domestic relations adjustments which will be required? Could they work them out in 10?

Without doubt, the amendment will make a hopeless morass of domestic relations—a ship without a compass on a sea without a shore.

Even the proponents of the amendment are not in agreement as to its scope. Some are apparently of the view that it would require identical sameness of treatment of men and women. If such a view prevails, our courts will be jammed with litigation and our mail will be flooded with correspondence from irate women as they learn of the loss of many advantages they now possess under Federal and State laws. Labor's representatives have already voiced the view that the amendment will hurt more than it will help working women.

I cannot in good conscience support the proposed amendment. However, I would vigorously support legislation calling for first, comparable salaries for comparable work; second, extension of the Fair Labor Standards Act to professional administrative personnel as well as to domestic and other workers not presently covered; third, further elimination of discriminatory employment and promotion practices in government and in industry; fourth, equality of treatment under our social security and tax laws; fifth, elimination of discrimination based on sex in colleges and professional schools; sixth, securing the rights of women to control their own financial and commercial interests, and seventh, removal of sex discrimination in the sale, rental, and financing of houses, and any other appropriate legislation. In this way each issue of sex discrimination would be joined clearly, directly and effectively.

For these reasons, I hope, indeed, that this amendment will not prevail.

Mr. WIGGINS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Ohio, the ranking Republican member of our committee.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. McCULLOCH. Mr. Chairman, I am pleased to be back in Congress after an enforced absence of many months. I believe I came back on a day in which some of the best oratory has been heard in many years.

It is hardly necessary for me to say that I love the ladies. I have one myself. But I do not feel that I am qualified to get into this legal debate, although I participated either 4 or 5 years ago when the matter was up before.

Although I know of no woman who is, on the average, of less ability and of less dependability than men on that average level, I do not think the best interests of our country—and I have been participating in debates on this question from the time since I was a freshman in the Ohio House of Representatives—I do not think that the proposed resolution, although the work thereon has been as good or better this year than ever before, if the amendment becomes a part of the law of the land by reason of what we do in this session of Congress, that it will solve the problems that it is thought will be solved, but will bring as many or more problems in its wake as we now have.

I expect to vote against the resolution.

Mr. EDWARDS of California. Mr. Chairman, I yield myself 12 minutes.

The CHAIRMAN. The gentleman from California is recognized.

Mr. EDWARDS of California. Mr. Chairman, as chairman of the subcommittee that initially considered this legislation in the House Judiciary Committee, I want to emphasize that a substantial majority of the members of my subcommittee voted to support the proposal in the form that it was originally introduced by Representative MARTHA GRIFFITHS—that is, without any qualifying amendments whatsoever. In expressing my support for the equal rights amendment today, I want especially to stress that I, as well as 15 of my colleagues on the House Judiciary Committee, voted within the committee in opposition to the so-called Wiggins amendment. In my view the Wiggins amendment, as well as any other crippling amendment, are totally unacceptable. Not only would such an amendment defeat the objective of the original proposal, it would even sanction forms of discrimination that are currently prohibited under the Supreme Court decisions. As a result, I want to make it clear that my strong, wholehearted support for the original Griffiths bill is coupled with the most strenuous opposition to any amendments which will be read or offered when the bill is being considered by us under the 5-minute rule.

Mr. Chairman, my views in favor of the original text of Mrs. GRIFFITHS' proposal are set forth separately in the report of the Judiciary Committee. As I stated in that report, the hearings held by the subcommittee of which I am chairman established beyond dispute that women are the victims of discrimination in a number of substantial ways. For example, in every State women are denied educational opportunities equal to those of men. In many States, a woman cannot manage or own separate property in the same manner as her husband. In some States, she cannot engage in business or pursue a profession or occupation as freely as can a member of the male sex. Women are classified separately for purposes of jury service in many States. Some community-property States do not vest in the wife the property rights that her husband enjoys. In a number of States, restrictive work laws, which purport to protect women, actually result in discrimination in the employment of women by making it more burdensome for employers to hire a woman than a man.

A wide variety of more specific examples of these forms of discrimination are set forth in detail in the published record of the hearings held by our subcommittee in March and April of this year.

All of these various forms of discrimination undermine the confidence of many Americans in our institutions and have an adverse effect on our national morale. Even if these injustices injured only a small number of our female citizens, they constitute wrongs that ought not to go unremedied. The tragic fact is that such discrimination prevents many millions of women from realizing their true capacity to lead full and creative lives.

Under the circumstances, an amendment to our Constitution is not merely appropriate, but it is imperative. For it is only by enacting such an amendment that we can declare a national commitment to the concept of equal justice under the law for men and women alike.

Mr. Chairman, even the opponents of the original text are compelled to admit that sex discrimination is widespread. All of the opponents also concede that sex discrimination should be remedied. However, most of the opponents argue that the Supreme Court of the United States, rather than the Congress, ought to provide an effective remedy by holding squarely that women are entitled to all of the benefits of the equal protection clause of the Constitution. Mr. Chairman, the simple truth is that the Supreme Court has not applied the equal protection clause to women and is not likely to do so being bound by some of its earlier unfortunate decisions. As a result, the only effective way to eliminate laws that discriminate against women is for Congress to face up to its responsibility by enacting the original text of House Joint Resolution 208 as introduced by the gentlewoman from Michigan (Mrs. GRIFFITHS).

The objective of the original Griffiths text is simple and straightforward. The text states that—

Equality of rights under the law shall not be denied or abridged . . . on account of sex.

Yet, simple and straightforward as is this language, and the concept which it embodies, opponents of the proposal would have us believe that the use of the word "equality" will create confusion and chaos, and will have the most dire social consequences. Some of the opponents express the irrational and unfounded fear that the use of the word "equality" will require the elimination of separate toilet facilities in public buildings. They also express the fear that "equality" of the sexes requires us to permit unmarried couples to cohabit together in university dormitories, in prisons, and in Army barracks. Still others express the illogical fear that "equality" means sameness and will require that we ignore the differences between men and women for the purposes of the draft or of military service in general.

Mr. Chairman, all of these irrational types of arguments were dealt with at length in the testimony before our subcommittee by many distinguished witnesses. They were also dealt with in separate views signed by myself and 13 other committee members in the report of the Judiciary Committee. They are likewise effectively rebutted in the separate views of my good friend and distinguished colleague, Representative ROBERT MCCLORY, in the report of the Judiciary Committee.

So as to dispel once again today some of the irrational confusion that has been created by the opponents of the original text, let me summarize briefly some of the major legal consequences of the original text—both in terms of what the equal rights amendment will do and what it will not do:

In the area of education, the equal amendment would prohibit State-supported schools from discriminating against either men or women. Thus, all public educational institutions would be required to be coeducational. It should be emphasized, however, that this does not mean that such coeducational school could permit cohabitation by unmarried students. It should also be emphasized that the equal rights amendment would apply only to State-supported institutions and not to privately financed schools.

The original text would also require that correctional facilities, like public schools, be operated on a "coeducational" basis. However, once again this does not mean that male and female prisoners would be permitted to cohabit together in the same cells or dormitories. This is because the amendment would in no way restrict the present power of the State to prohibit cohabitation by unmarried persons.

In the area of labor law, as a general rule, those so-called protective laws which purport to benefit women but which actually discriminate against them would be invalidated. At the same time the amendment would tend to extend to men the benefit of those labor laws which now bestow benefits only on women.

In the area of domestic relations the amendment would promote a full economic equality between men and women. Special restrictions on property rights of married women would be invalidated. Married women could engage in business as freely as men and manage their separate property such as inheritance and earnings. Those laws which currently impose on men the responsibility to support their wives, but which do not impose a similar responsibility on wives to support their husbands, would be invalidated. The grounds for divorce would be required to be identical regardless of whether the husband or the wife is the plaintiff in a legal action. With respect to the custody of children, the amendment would eliminate any legal presumption favoring the granting of custody to the mother. As a result, child custody cases would have to be determined by the courts in terms of the need and best interest of each individual child.

With respect to the administration of justice, the amendment would invalidate those laws which impose greater penalties on one sex for the same crime than on the other. Also, in this area, the amendment would invalidate those laws which currently exempt women, but not men, from jury service.

Finally, let me also comment briefly on the matter of military service and the draft—since it is in this area, perhaps more than any other, that opponents of the amendment seem to have created confusion and irrational fears. Under the original text it is clear that any system of military draft would have to provide for the drafting of some women in addition to men. However, women of draft age who are mothers, or whose circumstances present a hardship case upon their dependents, could be placed in deferred categories, just as males are now deferred upon such grounds. Young women students and those employed in State health and welfare activities could also be placed in deferred categories, just as young men presently are. Women in the military could be assigned to serve wherever their skills or talents were applicable and needed, in the discretion of the command, as men are at present.

Of course, these are only a few of the major legal effects of the equal rights amendment. However, I believe these examples serve to illustrate that equality for women is neither a new nor an irrational idea—that it will neither create chaos nor revolutionize our society. Instead, the equal rights amendment, in its original form, simply reaffirms the applicability to all of our citizens, including women, of our traditional American concepts of fairness and of equal justice under the law.

In conclusion, Mr. Chairman, I believe that it is especially appropriate for us to note today that the original text of this measure as introduced by Representative MARTHA GRIFFITHS has had the official support of both the Republican and Democratic Parties for many years. Beginning with the late President Eisenhower, who was the first President to make the proposal part of his administration's official program, the equal rights amendment has had the support of President Kennedy and President Johnson. In its original form, it currently has the support of President Nixon and his administration. For a number of years now, a majority of Members of both Houses of Congress have also publicly expressed their support for this proposal in its original form and have sponsored bills containing the original text.

In the last Congress the original text of this proposal was cosponsored by some 275 Members of the House of Representatives. Subsequently, the House overwhelmingly supported the original text in the last Congress by a vote of 350 to 15.

The question before us today is essentially this: Will we keep our commitment to the concept of "equal justice under the law" for both men and women by passing this legislation in its original form? Or will we be hypocritical, and with "tongue in cheek," offer to women a constitutional amendment which is so crippled that it will actually sanction the discrimination that we pretend to eliminate?

Mr. Chairman, I believe that we should face this issue squarely today and give our full support to the equal rights amendment as originally introduced by the gentlewoman from Michigan (Mrs. GRIFFITHS).

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Indiana.

Mr. DENNIS. Does the gentleman believe that under those circumstances a man might successfully go to court and get relieved of a support decree on the ground that the law did not require his wife to support him and therefore the court could not require him to support her?

Mr. EDWARDS of California. The gentleman is a distinguished lawyer, and knows that support decrees right now are under the continuing jurisdiction of the court, and either the husband or the wife can go in, where there are children involved, at any time, to ask the court to review and change the decree.

Mr. DENNIS. If the gentleman will yield further, of course I agree to that, but I do submit that at present one could go in but one could not get anywhere with the argument I just advanced. But under the amendment, it seems to me, a man might very well assert that a decree which required him to pay money to support his wife was no longer valid because the law of the State did not equally require her to support him.

The gentleman said a moment ago that it would enforce exact economic equality in domestic relations. I am just putting it to him, whether that is not an example of what he is talking about.

Mr. EDWARDS of California. All this amendment would do would be to require that the court look at the entire situation, as to who can afford the other? Who is ill? Who has property? What are the equities and proper responsibilities in either case?

Mr. MCCLORY. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to a member of the committee, the gentleman from Illinois (Mr. MCCLORY).

Mr. MCCLORY. It is frequently and in my opinion erroneously asserted that somehow or other the constitutional

amendment proposed by the gentlewoman from Michigan would nullify or serve to repeal the support laws and alimony laws and things of that nature. Actually, the intent and purpose is to equalize these laws, to impose additional responsibilities on both parents equally to support the children, and both parents equally to provide support for the other if they are in need of support and the other party to the marriage is capable of providing support.

What it does is to extend the benefits on an equal basis. According to my understanding of the purpose and intent it would have no effect to deny existing laws of the States.

Mr. EDWARDS of California. The gentleman is entirely correct.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Alabama.

Mr. DICKINSON. I am a bit confused by the answer the gentleman in the well just gave plus the statement by my distinguished friend, the gentleman from Illinois (Mr. McCLORY).

If I understand this correctly, then I understand what the gentleman said about children always being able to go back to court and have the court review the case, but this is not always the case in respect to alimony. The two are separate and distinct, alimony as opposed to child support.

In all cases now pending, where a husband is under an obligation, under the common law or statutory law, to provide support, and this is the basis on which the award is made, when we do away with that obligation, would it not be so, with respect to the husband under the obligation to pay alimony, that he would have the right to go back to court and say, "There is no longer any obligation of support on my part anymore than on her part," and thus do away with all alimony awards?

Is that right or wrong?

Mr. EDWARDS of California. I see no reason why the enactment of this constitutional amendment would be ex post facto or would open up any old cases.

Mr. DICKINSON. I am not talking about it being ex post facto. I am talking about a presently existing situation, even though based on a decree previously rendered.

One can go into court now and say, "There is no longer an obligation of support; therefore I should be relieved of it."

Why would this not be the case?

Mr. EDWARDS of California. I do not know the exact answer unless I have facts of each individual case.

Mr. DICKINSON. I do.

Mr. EDWARDS of California. I will say this: I would certainly trust the judge. In the event the case were reopened the judge would make a valid and totally supportable decision as to who would be the appropriate person to support the other.

Mr. DICKINSON. If the gentleman will yield further, did he not just say that the judge must base his decision on the law of the land, on what is the law at that time? If there is no obligation of support, then there is no reason to continue the payment of alimony.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Illinois.

Mr. McCLORY. I am certain the significance of the constitutional amendment would be to provide or require statutes which now impose a primary responsibility on one parent for support to be enlarged so that the responsibility would be applied equally to both parents.

As the gentleman from California properly stated, the court in retaining jurisdiction can review the subject.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. EDWARDS of California. Mr. Chairman, I yield myself 3 extra minutes to complete my statement.

Mr. McCLORY. Will the gentleman yield for just a brief moment?

Mr. EDWARDS of California. Yes. I yield to the gentleman.

Mr. McCLORY. And also on revising the order of support they could take into consideration the equal obligation which the two parents have one to the other and dependent on what the circumstances are to revise the order or reaffirm the order that was given.

Mr. WIGGINS. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois (Mr. McCLORY) a member of the committee.

Mr. McCLORY. Thank you, Mr. Chairman.

Mr. Chairman, I had the privilege of serving on the subcommittee that heard the testimony and reviewed the evidence with regard to this proposed amendment. And I might say, when I entered the committee hearings, I did so with an open mind. I endeavored not to avoid a position one way or the other until all of the evidence was in.

As a matter of fact, at the opening of the hearings, I questioned the wisdom of the action we had taken last year when we voted 350 to 15 to support substantially the same amendment that is before us now.

But, as the testimony was presented to the committee, more and more it seemed to me that this constitutional amendment was the only way in which this problem could be resolved.

Certainly, there is the prospect of the Supreme Court suddenly deciding that the 14th amendment does, indeed, provide equality of rights to women, and some of the witnesses said that if that should occur then this proposed amendment would become redundant.

There was also the suggestion that we could guarantee all such rights by legislation, but that would be a long, drawn-out affair in which there would not only have to be a revision of the Federal statutes, but also the laws of all the 50 States, the District of Columbia, and Puerto Rico. All of these laws would have to be revised in order to provide the equality of rights which this constitutional amendment undertakes to do.

So, finally, it seemed to me that there was only one way by which we could guarantee to all of our citizens equal justice under the law and that was to provide for this constitutional amendment.

It is true that at the time this was voted out of committee I was the only Member on our side of the aisle who opposed the so-called Wiggins amendment, and I want to demonstrate to my colleagues that in doing so I not only voted my own convictions but I also supported a position which is entirely consistent with the party position of those who sit with me on our side of the aisle.

In the CONGRESSIONAL RECORD of yesterday at page 35078 I inserted the statement of our President which was made in October of 1968 in which he reaffirmed his support of the equal rights amendment for women.

I also want to recall to the Members of this body the flat, unequivocal statement of Assistant Attorney William H. Rehnquist, the representative of the administration who appeared before the committee and who stated the President's position in these words:

The Administration is committed to the support of H.J. Res. 208.

I know that the Republican Members have received communications from the cochairman of the Republican committee, Mrs. Anne Armstrong, and I know that they have also heard from Mrs. Gladys O'Donnell, the president of the National Federation of Republican Women, who pointed out that at the Republican National Committee meeting in Denver earlier this year a resolution was adopted in support of this amendment containing the precise language which is contained in House Joint Resolution 208.

The Republican National Committee resolution provided, as follows:

RESOLUTION

Whereas The Equal Rights Amendment, House Joint Res. 208, and Senate Joint Res. 8 and 9 as presented to the House and Senate respectively in January 1971, reads:

Sec. 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Sec. 2. The Congress shall have the power to enforce by appropriate legislation, the provisions of this article.

Sec. 3. The Amendment shall take effect two years after the date of ratification, and

Whereas, this Amendment would grant first class citizenship to women of the United States by eliminating inequities and discrimination on the basis of sex;

Therefore be it resolved, That the Republican National Committee, officially assembled in Denver, Colorado on July 24, 1971, hereby endorses the Equal Rights Amendment as worded above, without nullifying amendments and urges its adoption by the Ninety-Second Congress.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from California.

Mr. WIGGINS. I think the gentleman received a communication, as other Republican Members of the House did, in which the national chairman explained the intent and purpose of the national committee in adopting the resolution was no more than to reflect the view of our party that we support equality of rights of both men and women, which is a fact, but did not intend to dictate any

kind of language to the Constitution of the United States. In fact, our national platform supports the equality of rights for both men and women, but I do not believe it was the intent of our party to support this exactly as it stands.

Mr. McCLORY. I am glad the gentleman has asked that question because I have a communication from Mrs. Gladys O'Donnell—and the gentleman has communicated with various Republican Members back and forth—wherein the same statement appears and I want to read from her letter which rejects the suggestion of the gentleman from California.

I want to read from her letter which rejects the suggestion of the gentleman from California that the executive committee of the Republican National Committee took no action, and none was requested. She states:

I am a member of this committee without vote, but with a voice.

When I was called upon I explained to them in detail the political implications of the "nearly unanimous vote of the Republican members of the House Judiciary Committee."

Mrs. Anne Armstrong, co-chairman of the Republican National Committee and I, jointly presented the resolution to the Resolutions Committee which in turn presented it without change to the full Republican National Committee. It passed unanimously. The sense of the Committee is explicitly expressed in the wording of H.J. Res. 208, followed by "Without Nullifying Amendments," and urging its passage by this Congress.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield further?

Mr. McCLORY. I wanted to discuss the merits of the legislation in the form in which the subcommittee recommended them, and also I want to respond to the gentleman who stated that he wanted us to comment directly on the subject of the gentleman's proposed amendments, and that is exactly what I would like to do.

This proposal has been before the Congress since 1923. As a matter of fact, it passed the Senate twice in 1950 and 1953, but attached to it was the so-called Hayden rider. This is an updating of the Hayden rider. This is a form of killing the bill.

As a matter of fact, when the session of the committee was adjourned, the recommendation of the Wiggins amendment was described by a prominent member of the committee as "the kiss of death" according to a report in the Washington Star. It does exactly that. As a matter of fact, you can hardly distinguish between the statements that are made by those who talk in behalf of the amendment offered by the gentleman from California (Mr. WIGGINS) and those who talk against the bill. Their position is virtually identical. This is the device that has been employed in years past to kill this measure. At the last session the so-called Ervin amendment was offered in the other body and it had the effect of killing the measure and of thwarting the action that the Members of the House took. So I do not think we should have any question about that, because we will have a chance to vote on the amendment. It is something that will have to be supported by a vote of this House, and I suppose there will be a recorded teller vote on this amendment, so we will all have a chance to announce where we stand on the issue.

I suggest that if you vote in support of the so-called Wiggins amendment you are effectively voting to kill the bill.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I would prefer not to yield at this time, because I have not gotten to the subject of the two exemptions that are provided in the so-called Wiggins amendment. One of the exemptions would perpetuate the advantage of the so-called protective laws.

Who was the principal witness in support of perpetuating those so-called protective laws? The principal witness was the representative of the AFL–CIO. And why was he interested? One of the women witnesses, the head of the Business and Professional Women's Organization, explained why he supported it, because he represents an essentially male organization, and to provide for equal rights for women would destroy the advantage that male members have in his organization, and would open the doors for women to have many more jobs, many more job opportunities. And the protective laws, these laws that say women cannot have a job if they are required to work more than a certain number of hours in a day or a week, or if the job involves lifting 10 or 15 pounds, or you have to provide chairs for women when they are on the job. All these discriminatory laws would be thrown out the window, they would be gone, and the advantages, the special advantages which male members have to those jobs, would disappear too, and the opportunity for women to have better employment, especially in skilled trades and things of that nature, would suddenly appear because it would be written into the Constitution where it belongs.

The other point that was raised, and the other point involved, of course, is the subject of exemptions from the selective service laws. That is the good point. It is a hard point to handle, I suppose, and there is a great deal of emotional appeal in the argument favoring the Wiggins amendment especially if you say that this Congress by adopting the equal rights amendment is going to force women into the front lines. Of course, that is a ridiculous statement when you hear it, and when you think about it, because the Congress is not going to take any such action at all.

We know that in the military service today probably about 10 or 15 percent of the jobs at the most involve some kind of combat duty. Most military duty involves civilian-type jobs which can be performed by men and women equally.

Young women want the opportunity not only to serve, but to get the special educational benefits, the training, the pensions, hospitalization, and other veterans' benefits and the other advantages. Denying women that right and especially denying that they have the right or the capacity to have the opportunity to participate in our national security, well, it would be about the most degrading thing you could do to women, it seems to me.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman.

Mr. WIGGINS. Is it the position of the gentleman in the well that the U.S. Government could deny all women in the military as a class service as riflemen?

Mr. McCLORY. I think that the decisions that might be made, if there are riflemen in some future selective service law that might be enacted sometime after the effective date of this constitutional amendment—I think that persons would be assigned in the military service essentially as they are now. Lawyers may be put in the front line, engineers may become janitors, draftsmen may be turned into stenographers. There is no sense to it. This constitutional amendment would not guarantee that some future selective service law would be applied equally to utilize the talents of men and women. However, the law would have to be applied without discrimination based solely on sex.

Mr. WIGGINS. The consequences, therefore, of the position the gentleman is taking is that there would be a total integration within the military of all units on the basis of sex.

Mr. McCLORY. I would not say that. I would not say that there would be integration or segregation on the basis of sex. I think it would depend on what the requirements of the service are.

I think there is a very reasonable and logical way it could be carried out. As a matter of fact, the restrictions now for women getting into the service, without a draft, if they want to enlist, are so high for women that very few have an opportunity to serve. Many more would like to. As a matter of fact, the young women who testified before our committee and the young women who expressed themselves in statements on this subject have all asserted that they want the opportunity to participate in the application of any selective service law. The effect of this Constitutional change on some future selective service law was well known to the Republican National Committee. It was well known to Mrs. Armstrong and to Mrs. O'Donnell and well known to the National Association of Business and Professional Women's Clubs and all of the other women's organizations which are supporting this equal rights amendment. They know what the consequences are and they do not want to have this exemption put into the Constitution as a part of the equal rights amendment.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman.

Mr. DENNIS. Mr. Chairman, I just want to be clear. The gentleman is now going on record, if I understand, as favoring an amendment to the Constitution which would put the Congress of the United States in the position that if, and when, it ever wants to draft men that it has to draft women; and if, and when, it ever wants to draft fathers, then it must draft mothers—and it has no choice because the Constitution says so; is that correct?

Mr. McCLORY. You are not going to put me in any such position.

Mr. DENNIS. That is the position you are putting yourself in, I would say to the gentleman.

Mr. McCLORY. Mr. Chairman, I think what the Congress is going to do—I think the Congress, if it enacts a future selective service law, which I hope it does not have to do—can provide exemptions which will apply equally to men and women. They can exempt parents. They can exempt parents who are required to stay with their children. They can exempt either or both parents if they have small children. I can think of many exemptions which might be made part of a possible future selective service law. But, if this equal rights amendment is approved, exemptions—in the law—based solely in sex would be invalid—and, in my opinion, would be quite undesirable.

Mr. EDWARDS of California. Mr. Chairman, I yield 15 minutes to the gentlewoman from New York (Mrs. ABZUG).

The CHAIRMAN. The gentlewoman from New York is recognized for 15 minutes.

Mrs. ABZUG. Mr. Chairman, there has been a lot of questioning here today about the need for an amendment. Why should we have an Equal Rights Amendment? I think I can address the question very simply.

An amendment seeks national approval for changes in basic problems and basic conditions that exist in our society. Once this amendment is passed by Congress, the people, through the political process called ratification, will be able to participate in this national decision, to have their say concerning the very important principle of equality under the law for women. That is why women want an Equal Rights Amendment.

Why are women not satisfied, Mr. Chairman, my friend and the head of my delegation (Mr. CELLER), with leaving the issue of discrimination for the action by Congress, the courts and the State legislatures?

Why do women refuse to depend upon existing law or vehicles such as the courts to address the problem of discrimination against women? You all admit it exists, but you do no more than pay lip service when it comes to really doing something about it. Deeply rooted in the legal, social, and political system of this country is discrimination against women. The discrimination has been perpetrated through a power structure completely dominated by males. This power structure, which shuts out women's participation, cannot be relied upon to eradicate the discrimination—in fact, to the contrary, the evidence is that it maintains and perpetuates existing discrimination.

Let us examine the political institutions and the lawmaking bodies of this land.

Let us examine Congress. In this legislative body, there are 12 women. Of 100 Senators, one is a woman. This token number, has the formidable task of representing 51 percent of our population in the lawmaking branch of our Federal Government.

Let us examine the courts, to which many of you would continue to send us to seek redress of our grievances. Once the laws are made, women, like men, must look to the courts for their interpretation. The courts remain an almost exclusively male stronghold. Only one of 97 U.S. courts of appeal judgeships is filled by a woman. Four of 402 Federal district court judges are women. And the Supreme Court, the ultimate arbiter of those human rights so often denied women, has not one female justice. So much for the representation of women in the legislative and judicial branches of our Government.

Let us examine the executive branch. The Chief Executive of the United States so completely disregards the political and human rights of women that he felt free to announce his recruitment policy for a new Supreme Court Justice, a recruitment policy which would be in direct violation of title VII of the Civil Rights Act of 1964 if the Federal Government were covered as an employer * * * he would hire, and I quote—the best man for the job.

So permeated is our society with sexual stereotypes which punish women for their chromosomes, much as blacks have been punished for their unalterable trait of color, that probably very few of you recognized any discrimination in the president's announced policy for finding the best man for the job. Members of Congress, it is that kind of traditional, very often nonmalicious thinking that has produced the great body of law relegating women to second-class status in our society. And it is from these sexually discriminatory laws that the equal rights amendment will deliver us by establishing women's constitutional right to full citizenship and equality. Enactment of this amendment will provide the foundation for specific legislation to insure the rights of women just as the 14th amendment provided the basis for civil rights legislation.

It is for these reasons that we must make a national statement through an amendment to the Constitution, which we take to the people to ratify. Let us not leave the job to existing mechanisms alone. Let the people determine whether there should be an equal rights amendment to the Constitution of the United States.

Let me say something else with respect to this. Mr. WIGGINS has indicated that he wants to know our definition of equality. We have no problem with that either. We are looking for a unified system of law which treats men and women equally. We are not going to be satisfied with the argument which says that we can treat women differently but equally. Differently but equally, separately but equally—does that not sound familiar to those of us, including you (Mr. CELLER), who have been very much engaged in the struggle to fight for and preserve the rights of minorities to equal treatment?

Let me say something very briefly about some of the arguments.

Mr. CELLER. Mr. Chairman, will the gentlewoman yield?

Mrs. ABZUG. Not now, Mr. Chairman. Later I will be happy to yield.

Let me briefly review those arguments which opponents to the equal rights amendment have offered. Perhaps the most serious charge, and one which is reflected in the Wiggins amendment, is that the equal rights amendment will destroy the "protective legislation," particularly labor legislation, which has so benefited women.

I want to explain that I spent many years as a lawyer in the field of labor law. For many years, I myself questioned the need for an equal rights amendment. But once I studied the meaning of these laws, I have reached the conclusion that it is absolutely preposterous and a smokescreen to believe that "protective" labor laws actually protect women.

As others have said here before, the Wiggins amendment would weaken the equal rights amendment, rather than strengthen it. As my colleague, MARTHA GRIFFITHS, the originator of this great amendment, has already indicated, much has been made of the hazards to which women workers will be exposed if this protective legislation is extended to men. In point of fact, the issue is already a dead one. Title VII of the Civil Rights Act of 1964 has largely either eliminated protective labor legislation affecting only women or has extended the protection to men. Title VII provides that—

> It shall be an unlawful employment practice for an employer . . . to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin.

It is revealing to examine the test that has been applied to determine if these so-called protective laws should be extended to cover men, because they actually do bestow a benefit, or, alternatively, should be eliminated, because they are in fact discriminatory. There are three types of protective laws: First, laws which confer supposed benefits, such as day or rest or minimum wage laws; second, laws which exclude women from certain jobs, such as bartending, mining, and employment before or after birth; third, laws which restrict women's employment in certain conditions, such as night work, overtime, and weight-lifting laws.

The Equal Employment Opportunities Commission has applied title VII by extending those laws conferring benefits to men, and eliminating those laws which exclude women from certain jobs and restrict women's employment under certain conditions.

There can be no doubt that the vast majority of working women are united in their recognition that these laws restricting their employment have served as an excuse for employers and unions to keep women in lower paying jobs. The best gage of the opinions of working women can be found by reviewing the vast increase in the number of lawsuits that have been filed under title VII protesting these restrictive labor laws.

Let us examine the argument that has been made here that women want the protection of strong men.

Nightwork laws, which restrict women in the kinds of work that they can do, may sound like paternalistic protection.

However, the coverage of these laws indicates something very different from protection for women. Nightwork laws do prevent women from working in jobs, such as elevator operators, at night, when the work is less than in the daytime and the pay is more. These same nightwork laws do not protect the cleaning women in this country from the back-breaking toil that they regularly perform at night while their protectors sleep.

As for the laws which actually do confer benefits upon women, the benefits are ridiculously slight. For example, although some States require that women, unlike men, be given chairs for rest periods, I want the Members to show me what States provide a guarantee of security for maternity leaves. What is the real need of the working woman in this country—a chair to sit in for a 10-minute break, or the security of knowing she has a job to return to after she has given birth to her child? That is the question I am asking you.

State weight-lifting laws limiting the amount of weight that a woman can lift on her job have proved a convenient means of eliminating women from the competition for the higher-paying jobs, whether or not weight lifting was actually required on the job. And what kind of weights are we talking about? Ten States limit the amount of weight that women can lift to a maximum ranging from 15 to 35 pounds—approximately the weight of a small child. And yet mothers lift their children many times every day, with no resulting damage to themselves.

The answer to the question of protection must be that those who need protection should qualify under nondiscriminatory protective laws, and those who need protection cannot be determined by gender. For example, can there be any doubt that a 6-foot-tall woman weighing 180 pounds is able to lift more weight than a 5-foot-tall man weighing 110 pounds, assuming comparable degrees of health? The law must protect those who are unable to lift excessive weights from jobs requiring them to do so, and not all women are unable, any more than all men are able.

More than 40 States also have laws restricting the number of hours that women can work. These laws, like the weight lifting laws, cannot be justified on the basis that all or substantially all women cannot or do not want to work overtime. It is a fact that many working women are dependent on overtime work to provide an adequate standard of living for themselves and their children. Persons adverse to women working overtime often overlook the fact that these laws do not apply to the working women, but rather to the employer. Consequently, many women who work at low-paid jobs resort to working two or three such jobs to provide for their families. If the evil to be combatted here is excessive work which is detrimental to the well-being of women, it is clear that restrictive overtime laws are not an effective weapon.

In short, women have been precluded from working overtime in the name of family responsibilities, which millions of working women do not have; health needs which cannot be proved to exist; and female lack of desire to make more money, which the poverty status of many women contradicts. This is not protection, this is discrimination which locks women into low-paying, routine, dead-end jobs; the courts have recognized this fact by invalidating the maximum hours laws which apply only to women, and the Equal Employment Opportunities Commission has labeled these restrictive overtime laws affecting women for what they are—outright discrimination whose effect is to deny women higher pay and promotional opportunities.

Let us remember that, on the average, women earn 60 cents for every dollar earned by men. Black, Puerto Rican, Chicano, and Asian women—the most heavy concentrated in low wage, low-skill jobs—earn less than half of what men do. The price of inequality is high indeed. According to one union, the average woman worker in manufacturing is paid $3,864 a year less than men, resulting in $22 billion extra profit for the companies a year.

This is why we need an equal rights amendment. An argument that has been voiced with the greatest frequency and vehemence in opposition to the equal rights amendment is that women would be subject to the draft. My colleagues, I hope that my position on the draft is clear to you. I am unalterably opposed to the draft. The draft is a terrible thing. I voted against it, I brought on an amendment which called for the total dismantling of the military conscription system, and I believe that nobody, male or female, ought to be subject to compulsory military service. I am adamant and uncompromising in my opposition.

But I am equally adamant in my resolve not to stand by and see the equal rights amendment weakened or defeated by those who do not believe in the concept of full equality for America's women. And these foes of sexual equality have seized upon the issue of the draft as their best means of defeating this measure. It would be a mockery of justice to allow this dishonest issue to deny women their just rights.

This last tragic decade of war has made clear to us that the draft, so long as it persists, and I would hope that it would not continue another day, is without question the most serious and onerous feature of citizenship. A whole mythology, based on the concept of women's physical inferiority, has developed in connection with military service and the result has been to reinforce women's status as subcitizens.

The social stereotype persists that women should somehow be less concerned with the affairs of the world than men. In the Congress of the United States and in the political life of this Nation, political choices and debate often reflect a belief that men who have fought for their country have a special right to wield political power and make political decisions. When women are limited by Armed Forces regulations to no more than a fixed percentage of the total Armed Forces, they are denied this right. And this right is no less than the right for a woman to be taken seriously as a citizen who shares equally with men all civic responsibilities and enjoys the full complement of privileges associated with citizenship. So long as this right and responsibility are denied women, they are denied the status of full citizenship, and the respect that goes with that status.

What are the arguments against making women subject to the draft? The only compelling argument in my view is that no one should be subject to the draft, but I confront much lesser points.

The first argument is that women are incapable of combat duty. History is replete with examples of women who have fought side by side with men in defense of their homes and countries, if there is a national purpose and if there is a national reason. Women have done this all over the world, in Israel and other places, where there is a national purpose.

The second argument voices speculative concern for matters of discipline if men and women serve together in combat situations. I am just going to pass over that, because that is too insulting.

The final argument raises the terrible prospect of women engaged in killing. All combat is degrading, dehumanizing, and dangerous. As between brutalizing our young men or our young women, there is little to choose. I voted against student exemptions from the draft on the grounds that special burdens should not be placed on the poor and those with minimum education. It is my belief that if all young men were equally subjected to the draft, the move to end the draft would be immeasurably strengthened by the extension of personal interest. So too, I feel that making women subject to the draft would be one of the quickest ways to end this repressive regulation for all citizens.

The equal rights amendment would make voluntary as well as compulsory military service, available to women and men on the same basis.

Although it has long been recognized that the military service has served as the "poor boy's college," apparently no thought has been given to what has happened to the poor boy's sister while he has found a road out of his cycle of poverty and despair. The equal rights amendment would insure that the real and substantial benefits available through military service are available to women on the same basis that they are available to men.

What are these benefits? These benefits include educational benefits through the GI bill, medical care through Veteran's hospitals, home loans, life insurance policies for minimal premiums, and life-long job preference for Government jobs. Remedial training is available: Since October 1966, more than 246,000 males who have not met mental or physical entrance requirements for military service have been given opportunities for training or correcting their problems. The veteran enjoys greater employment status than the nonveteran: In answer to one interview, over one-half of the veterans interviewed said that their military training resulted in better pay and higher titles in their jobs. My colleagues, I remind you that women are in sore need of obtaining an equal footing with men in the terms and conditions of employment.

Women who wish to participate in

these benefits available through military service are confronted with the barrier which decrees that women constitute no more than a fixed percentage of the total personnel in the Armed Forces. Women must meet higher educational and minimum age requirements than men.

Once a woman gains admission to the services, she confronts formidable in-service discrimination. She is excluded from numerous educational and training programs available to her male counterpart. In fact, if she has not already received training, she is unlikely to gain admission: although the Armed Forces offer training to men, their attempt is to recruit trained women. And women are forced to fulfill their obligation in stereotyped "female" jobs such as clerical work or nursing, in line with the recruitment pamphlet's statement that "they—women—release men for men's work." Thus, rather than providing training and educational programs to dedicated women who are fulfilling a service commitment, the Armed Forces are presently a bastion, immune from attack, which reflects the very worst sexually discriminatory policies in regard to educational and employment practices.

We are confronting an ironic situation. The cry has been against compulsory military service for women because they will be involved in combat. The truth is that only a very small percentage of men, 8 percent, presently serving in the Armed Forces are in combat zones. While the remaining vast majority fulfill their military obligations in noncombat positions, they are receiving valuable training and education, and they will continue to receive benefits from their military service after they have left the service to return to private life. The equal rights amendment would insure that women who seek, or are subject to, military service receive the same training and benefits to which men are now entitled, but which are denied to women.

Let us not forget that the Armed Forces is a very substantial employer with approximately 2.7 million employees. Women have a right to seek employment in the Armed Forces on the same basis as men, to receive the same training, and to benefit from the same privileges now accruing only to men. We cannot indulge in hypocrisy by allowing this sector of the Federal Government to discriminate in a manner, which, were the Government covered as an employer under title VII of the Civil Rights Act of 1964, is directly in violation of Federal law.

The matter of sex discrimination in education is such an important matter that I feel I must touch on it, although I do not have the time to give it the full attention that it deserves Why is this such an important issue? The answer is twofold: It is because sex discrimination is so pervasive in our every level of educational system, and because it shapes the aspirations of young girls when their personalities and expectations are most malleable. Females first learn in the classroom that they can aspire to no better than second-class citizenship. The message is clear in many ways—in textbooks, illustration, and teacher models. Girls can grow up to be nurses, but only boys can be doctors: Girls can aspire to motherhood which consumes all their energies, while boys become fathers and master careers, girls can learn to take dictation, but boys can learn to dictate.

The formative influence on young minds of societal expectations cannot be exaggerated. Young girls who seek to achieve educationally rather than to assume the submissive, dependent, and deferential role that society has dictated for them are found by psychologists to suffer fear of social rejections should they succeed.

Sex discrimination in education extends beyond students into the teaching and administrative level to find its victims. Although men are only 12 percent of the elementary school teachers, they account for 78 percent of the elementary school principals. Of the 13,000 school district superintendents, only two are women, and education is traditionally a woman's field.

At the secondary school level one-half of the teachers are women but only 4 percent of the high school principles are women.

One example can illustrate graphically the discrimination that women encounter in seeking admission to colleges and universities. In 1964, 21,000 women were turned down for college entrance in Virginia. During that same time, not one male applicant was rejected.

Even beyond the graduate level, women continue to suffer from academic myths. The myth is that there is a shortage of qualified female candidates for doctorates, but the fact is that a higher percentage of women with doctorates go into teaching than men with doctorates. And now that we are beginning to see a surplus of Ph. D's in some academic areas, we have begun to see the plight of women worsen, for women are often the "last hired" and the "first to be let go" in the academic community.

It is a revealing statistic that of the hundreds of charges filed by the Women's Equity Action League against colleges and universities for sex discrimination in employment of faculty, none has ever been refuted.

When young girls and young women are denied the right to an equal education, without regard to their sex, they are handicapped for their lifetimes.

The equal rights amendment proposes to give equality of rights to women and men, so that sex is not a factor in determining what rights one enjoys. There are two qualifications to this general rule: The equal rights amendment will not preclude legislation, or official action, relating to physicial characteristics unique to one sex and will not preclude legislation respecting personal privacy. For example, laws providing maternity benefits will not be violative of the equal rights amendment since only women can qualify as mothers. Similarly, laws regulating sperm donors would stand since only men can fulfill this function. This is not discrimination: It is simple recognition of a physical characteristic unique to one or the other sex.

A particularly frivolous argument opposing the equal rights amendment is that men and women would be forced to use the same restrooms and bedrooms. The obvious solution is for the Supreme Court to extend the right of privacy recognized in Griswold against Connecticut to permit separate restrooms and sleeping quarters in public institutions. We will be able to have separate toilets, if that is such a big problem.

Mr. Chairman, I find it appalling that so noted a constitutional lawyer as Senator SAM ERVIN bases his opposition to the equal rights amendment, in part, upon the position that women are presently assured adequate protection of their rights under the equal protection clause of the 14th amendment. No case has reached the Supreme Court of the United States in which the Court has ruled that a woman was "a person" within the meaning of the equal protection clause of the 14th amednment, although blacks and corporations have been declared persons. In fact, the 14th amendment has never been applied by the Supreme Court to guarantee an individual female citizen the right to work at any lawful occupation of her choice, although the Court has applied the equal protection clause to insure the right to work to Chinese laundrymen, Japanese fishermen, a train conductor and an Austrian cook. The question is not whether the 14th amendment could provide protection for the rights of women, the question is whether the 14th amendment has been interpreted so that it protects women from arbitrary discrimination. The answer is that it has not.

If Senator ERVIN expects any heightened sensitivity on the part of the Supreme Court to the issue of sex discrimination, he is mistaken. Less than a year ago, when the Supreme Court was hearing oral argument in the case of Phillips against Martin Marietta, the first title VII case to go before the Supreme Court, whose basis was a charge of sex discrimination in employment, the record of that argument shows that the proceeding was repeatedly interrupted by laughter on the part of the Justices. Sex discrimination, like race discrimination, is no laughing matter. Women need the equal rights amendment to combat sex discrimination, just as blacks needed the 14th amendment to combat race discrimination.

I have noticed, upon reviewing testimony on the equal rights amendment, that a question frequently asked of witnesses is why, since as the majority sex, women can use the vote to protect their interests, a constitutional amendment is needed. The answer is twofold: First, although a numerical majority, women have been powerless in this society; second, the proposition that constitutional protection should depend on a group's numerical power is outrageous.

I think that you should know something else. The women of America know that polite society looks with ostensible horror at one who tells an ethnic joke, portrays racial stereotypes, or acknowledges religious prejudice. Yet, in this same society, women are the butt of crude jokes on the cocktail circuit, the object of gross discrimination in the employment and educational sector, and caricatured pawns of the advertising

world. But the women of America will no longer content themselves with leavings and bits and pieces of the rights enjoyed by men.

Finally, but I want to mention those cages that women supposedly want to be in, Mr. CELLER, and those votes which they may not have used.

Let me tell you about those cages. Let me tell you about those votes. Women are coming out of those cages. They are using that vote. They are not only using that vote in support of the equal rights amendment, for they have organized their political power and fashioned the National Women's Political Caucus. In State after State, women—middle as well as lower and upper class, black, brown, and yellow as well as white, independents as well as Republicans and Democrats—are demanding the same obligations, responsibilities and benefits as men in our society have.

What is happening, ladies and gentlemen of the House, is that women are organizing their political power. They are going to use the vote that they secured 50 years ago and which they may not have used sufficiently thus far I think this will be done for the benefit of themselves, for the young people, for the minorities, but most of all, for the benefit of all men and women.

You must realize what is happening here. Women are organizing their political power. As one of who has helped organize the National Women's Political Caucus, I can attest to the fact that the response has been fantastic in every State. Women will want to know who supported the equal rights amendment and who did not, and I mean without the Wiggins amendment.

Equal rights—equal responsibilities. We demand no more and will accept no less.

Mr. WIGGINS. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey (Mr. SANDMAN).

Mr. SANDMAN. Mr. Chairman, this is a very difficult position to take at this time following the last speaker. I had hoped to have the privilege of asking her a question, which I did not get a chance to do, but maybe we will get that chance later.

So much has been said about what a terrible thing the Wiggins amendment is. I do not know of anything in it which takes away any of the things that the gentlewoman from New York wants to accomplish. The only thing it really does in a broad sense is it gives to the Congress of the United States that right not to draft women into the Armed Forces. This seems to be something that is sticking in their craw, although I do not know why.

It is extremely difficult to take the position that I think I have to take here today.

First of all I would like to explain something. I hope nobody is misled over the fact that the last time this amendment was here it passed by a vote of 350 to 15. The truth of the matter is I was one of those 350. But you can bet your life I am not going to be one of them this time.

Last time there were no hearings on the bill. Last time the bill had less than 1 hour's consideration on both sides. Since then I have had an opportunity not only to listen to the witnesses on the committee that took the testimony, but I also had the opportunity of watching the demeanor of those witnesses and to watch how well they could take cross examination on their very affirmative statements.

It is real easy to be affirmative, but it is another thing to answer questions well.

Now, before the committee there were many people who did not testify in favor of this amendment.

At the outset I may say that I am absolutely convinced that the gentlewoman from Michigan (Mrs. GRIFFITHS) is sincere in what she is trying to do. I believe that she has spent a couple of decades in trying to do good in this particular path for the members of her sex and for this she must be commended.

Mr. Chairman, if I thought for one moment that this proposed amendment would accomplish all those things, I would support her constitutional amendment. However, I have chosen another path. I have chosen to take the position which has been taken by the chairman of the Committee on the Judiciary, the gentleman from New York (Mr. CELLER). I have chosen to believe the testimony given by Senator SAM ERVIN when he testified before our subcommittee, and I choose to take that path which I conscientiously believe, although it is not popular, it is right. It is not the best way for me to get reelected. I am sure of that. I am sure there will be many people in my area who will misinterpret the reason why I take this position.

I am convinced by organized labor's, representative, Mrs. Myra Wolfgang, vice president of the National Hotel and Restaurant Employees and Bartenders International Union when she said that this measure would take away 60 years of hard work and accomplishment on behalf of the working woman. She gave many reasons why this is so. She pointed to what happened in the State of Michigan when their particular work laws were suspended for a short time. She said—and her testimony appears on page 213 of the hearings—that when the Michigan 54-hour-a-week law was temporarily suspended in the winter of 1967–68 that the Chrysler Corp., to be specific, immediately went into an overtime basis and forced the women working for them to work 69 hours a week.

Mr. Chairman, I prefer to treat women as ladies. I prefer to treat them equally. I prefer to do everything for them that I can so that they do get their proper share of everything. In fact, the people I love most in this world happen to be members of that sex—my wife, my mother, my sister, my daughters—and I want them to have equal rights as compared to those of everyone else.

But, again, in the State of Michigan what happened during that period? Mrs. Wolfgang reports that one particular company imposed a 70-hour week. It happened to be a refrigeration company where the female employees had to work in freezing temperatures during those particular hours. I do not think that helped those women and I do not think this amendment is going to do any more.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. SANDMAN. I am glad to yield to the gentleman from California.

Mr. WIGGINS. I wish to make the observation that these are not examples that are unique to the State of Michigan, but in my district many women are being compelled to work double shifts as a condition of remaining employed, solely by reason of the recent decision of the State of California removing the hours of work in that State. These are very real problems. I have received more letters from women protesting that clear discrimination against them and their obligations at home and their obligations to their children, more letters by far than I have ever received from women in support of the amendment.

Mrs. GRIFFITHS. Mr. Chairman, will the gentleman yield?

Mr. SANDMAN. I will be happy to yield to the distinguished gentlewoman when I complete this statement.

One of the outstanding things to which we have to agree that has come about is the fact that in all the testimony not a single witness before our committee, nor has a single person who has taken this floor today, disagreed with the contention that this amendment would make women subject to the draft. This I think we are in accord with. You can say you do not like the draft and you can say you do not like war, but it is here.

The draft is here. It is in effect right now. Let us assume that this amendment becomes law while the draft is still in effect. Those who say "Vote for this amendment as is, without the Wiggins amendment," say "I favor making women subject to the draft." And that is precisely what it is, and nothing else.

I happen to be one of those people who do not believe that women should be subject to the draft. I can tell you this: regardless of what the previous speaker says, and remember what she said, "Women want this"—let me tell the gentlewoman from New York that it says, in the testimony here, from McCall's magazine, that 76 percent of the people said they did not want women subject to the draft. And let me tell you what I found in my district—and this, I think, is something for everybody to think about. I sent out a little postcard just to see how people would answer it. A simple question. And I told them the constitutional amendment that was before the Congress, which is called the Women's Equal Rights Amendment, will make women subject to the draft. "If that statement is true, do you favor the constitutional amendment?"

I got back only 420-some replies. These are the returns: 93 percent said "no"; 7 percent said "yes."

But the interesting thing about it is that six out of every seven who voted "yes" were men, they were not women.

So I can say to you that in my district, at least, the women do not want to be subject to the draft, and they should not be.

I happen to believe that a woman is entitled to those rights that different la-

bor movements have given them in almost every field. I do not believe that a woman should sacrifice those rights that she has as a matter of domestic relations laws in 50 States, including the one I come from. I believe that a deserted woman has the right to separate maintenance, and she should be paid separate maintenance. I believe that a married woman is entitled to have preferential consideration as to who should have custody of her children when she is separated from her husband. And I do not propose to take any of these rights away by voting for this amendment.

In closing, much has been said about the fact that the Wiggins amendment kills the bill. To those people who have said this——

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. WIGGINS. Mr. Chairman, I yield 2 additional minutes to the gentleman from New Jersey.

Mr. SANDMAN. Mr. Chairman, I thank the gentleman for this additional time.

Mr. Chairman, the language of the Wiggins amendment, section 1, says:

> Equality of rights of any person under the law shall not be denied or abridged by the United States or by any State on account of sex.

How does that take away any of the privileges that the amendment offered by the gentlewoman from Michigan (Mrs. GRIFFITHS) gives? I do not know. I cannot find anything wrong with that sentence. I think it is altogether right. The gentleman from California (Mr. WIGGINS) adds the words "any person," because he wants to be very careful that it applies to all persons, and not just citizens of the United States. That is why he said he did it. And I think that is a good reason.

Mrs. GRIFFITHS. Mr. Chairman, will the gentleman yield?

Mr. SANDMAN. I yield to the gentlewoman from Michigan.

Mrs. GRIFFITHS. Mr. Chairman, I would like to point out to both the gentleman in the well (Mr. SANDMAN), and the gentleman from California (Mr. WIGGINS), that these hours that you are pointing out, that the women worked, did not occur under an equal rights amendment. That had nothing to do with the equal rights amendment. The situation that you refer to, where Mrs. Myra Wolfgang complained that the Continental Baking Company made women work double shifts, there were no men involved there at all. That had nothing to do with equal rights, either.

Mr. SANDMAN. Let me ask you this question. In a case where you do have both sexes working, in a case say where a man has to work 60 hours a week, and your amendment becomes the law, would a woman have any privilege of working less than 60 hours a week?

Mrs. GRIFFITHS. There would only be the question of whether a man should be required to work 60 hours a week.

Mr. SANDMAN. That is right.

Mrs. GRIFFITHS. The point is, may I say to the gentleman in the well, the whole purpose of the amendment is to give men and women equal rights and we are going to have plenty of time for the State legislature to enact those bills. That is what the amendment seeks to do. To have the legislatures of the States and this body to equalize these laws.

Mr. SANDMAN. I do not have much time remaining, but may I ask you a question. Will you please tell me what the objection is to the Wiggins amendment in section 1? How does that take anything away from your amendment?

Mrs. GRIFFITHS. It is totally unnecessary.

Mr. SANDMAN. It is totally unnecessary—why?

Mrs. GRIFFITHS. It is absolutely unnecessary. The Constitution of the United States does not mention dogs and animals and so on.

Mr. SANDMAN. Does it take anything away from your amendment?

Mrs. GRIFFITHS. It is totally unnecessary.

Mr. SANDMAN. Does it take anything away from your amendment—that is the inclusion of the words "any person"—how does it hurt your amendment I want to know?

Mrs. GRIFFITHS. I do not know that it hurts the amendment. It just is not necessary.

Mr. SANDMAN. In closing, Mr. Chairman, there is not one blessed thing that the Wiggins amendment takes away from the original sponsor's amendment by adding these two words, and everybody here knows it.

The only thing the Wiggins amendment does is that it gives to the Congress of the United States that right not to draft women, if they chose to make such an act.

To those who oppose the Wiggins amendment—when it comes up—please be prepared to tell the women in your District that you believe women should be drafted and that the Congress should not have the right to exempt women if the draft law exempting women should be presented to them.

Discrimination against women does exist. It must be eliminated. It should be accomplished by specific legislation for this specific case. This amendment does not accomplish those things, I therefore support the Wiggins amendment.

Mr. EDWARDS of California. Mr. Chairman, I yield 15 minutes to the gentlewoman from New York (Mrs. CHISHOLM).

Mrs. CHISHOLM. Mr. Chairman, I think that I can safely say I am the one person in this august body who is actually a product of two segments of our society that is discriminated against. I am black and I am a woman.

I think this whole question of "separate but unequal" that has been applied to blacks for many years in this country can also be applied to women on many levels in this country.

I would just like to refer back to a few remarks which have been made previously in the Chamber and which I noted—then I will go ahead with my brief statement.

First. The venerable chairman of the committee, my good friend, the gentleman from Brooklyn (Mr. CELLER), who comes from the congressional district next to mine, indicated that even though women have had voting rights for such a long time, they never have been really elected to office—that people have not elected them. This goes to show the necessity for the equal rights amendment to be decided by the specific States. This inherent attitude, Mr. Chairman, in our society against women—this inherent attitude is the same inherent biased attitude in our society against blacks.

Second. We heard the distinguished chairman, the gentleman from New York, also mention that this can only be abolished by changed attitudes. But many things cannot be abolished—such as attitudes—but we do recognize that we who are responsible for legislation have a right, and it is a very important right, to provide the kind of atmosphere and the kind of situation in this country that will lead people in terms of the direction that we must go—that the time has come to really make sure that we have equal rights for women in this Nation.

We have to assume leadership roles and to recognize that the traditional way of doing things is not the answer any longer to many of the problems confronting us in today's society. Tradition is not the answer to all.

Mr. Chairman, in 1836, the New England Association of Farmers and Merchants passed a resolution that read:

> Whereas, labor is a physical and moral injury to women and a competitive menace to men, we recommend legislation to restrict women in industry.

The language that the gentleman from California (Mr. WIGGINS) proposes to add to the original equal rights amendment amounts to nothing but a modern version of that resolution. The pious sentiments of gallantry we often hear in this Chamber today are the same, and the practical effect of the phrase in the committee version—which reasonably promotes the health and safety of the people—would be the same.

There is no truth whatever to the assertion, on which much of the support for the Wiggins version rests, that the equal rights amendment in its original form would sweep away laws that the States have passed for the protection of women. The laws that would be nullified are laws that discriminate against women, although they were passed under the color of protective legislation. They are, without exception, based on the belief that women have their place and must be kept in it, for society's good and their own. That belief is dying. When it gives its last gasp, I dare say, that gasp is likely to be heard in this very Chamber.

The State laws that are in question fall into two classes. Either they guarantee to women benefits that should be guaranteed to men as well, or they deprive women of rights that men are allowed to exercise. Into the first class fall laws regulating maximum daily and weekly hours of labor, limits on weight-lifting, and rest periods, into the second, laws that forbid women to work at certain hours, bar them from some occupations or prevent them from working overtime. These laws are so dear to the venerable and respected gentleman from Brooklyn, my neighbor, Mr. CELLER, that for many years he has refused to let the

equal rights amendment move through his committee. They are, may I say with respect to him, transparent male frauds. Their effect, and in many cases their intention, is to protect women out of the better paying jobs. Women have been forbidden to wait on tables late at night—when the tips are large—but they have seldom if ever been forbidden to scrub office floors all night. They have been saved from working more than 8 hours a day in some States: Who is it, then, who collects the overtime?

In State and Federal courts across the country, these laws are being invalidated one by one because they violate the provisions of title VII of the Civil Rights Act of 1964. This is an expensive and time-wasting process which could be eliminated at a stroke by passage of the equal rights amendment as the gentlewoman from Michigan (Mrs. GRIFFITHS) proposed it in its original form. Many of the supporters of the Wiggins version are Members whom I have heard, on other occasions, express concern for the overburdened judicial system; they have today an excellent chance to demonstrate their sincerity by relieving it of one of its burdens.

I view the committee version of the amendment as nothing less than a subterfuge to eliminate title VII of the Civil Rights Act, the only legislation that has been any significant value in alleviating the effects of years of discrimination against women. Judicial decisions relying on title VII have sounded the deathknell for discriminatory State laws. The Wiggins version would breathe new life into them.

Mr. Chairman, let me turn now briefly to some statistics. They demonstrate, with an authority beyond the reach of any opposing argument, that women are consistently and cruelly discriminated against in the most fundamental field of all, the economic.

Pamela Roby of the Center for Manpower Policy Studies, in the Sociology Department at George Washington University, in a study of university faculties, found that it is almost unheard of for a woman to reach the rank of full professor at a major American university. At the University of Michigan she found that 40 percent of the instructors were female, but only 4.3 percent of the full professcrs. At Columbia, women made up 29 percent of the part-time associates, assistants, and preceptors and earned 24 percent of the doctor's degrees, but they made up only 5 percent of the full professors in the entire university—and that average was boosted by including Barnard College, where 22 percent of the full professors are women.

On Harvard University's faculty of arts and sciences, 16.7 percent of the instructors are female, 4.6 percent of the assistant professors, and not one—not one—of the 483 are associate and full professors. It is undebatable that women are deliberately, routinely, and almost universally barred from promotion to the upper levels of university faculties.

The story in Government is the same. The Metropolitan Washington Council of Governments found women heads of local government departments almost nowhere—except for an occasional library director or welfare administrator.

Mr. Chairman, fully to document an outrage as nearly universal as the discrimination against women in hiring, pay, and promotion would consume far more time than is alloted to this entire debate. If these examples I have given are not convincing, it would add nothing to my argument to multiply them, although one could do so almost endlessly. I have concentrated in my remarks on the economic injustice our present laws and customs work on women, because this subject is of major importance to me and to my constituents, and because I expect that other aspects of the question will be covered by other supporters of the amendment in its original form, more fully and ably than I can do. But let me in conclusion make a final and more general point.

If the amendment under debate passes this House in the distorted form in which it was reported by the committee, it will amount to killing the Equal Rights Amendment question for this year, and perhaps several years to come. In the form reported, the amendment is unlikely to pass a single State legislature and by no means will ever pass two-thirds of them. The reason is that no women's group will support it, and consequently there will be no pressure on the legislatures to act. Of this fact, I believe the gentleman from California and his supporters are well aware. The amendment in the Wiggins version will surely die. Either it will die quickly here today, as I hope, or it will die slowly from the contemptuous disregard it will receive from the general public, and which it will entirely deserve.

The Wiggins version is a parliamentary trick meant to permit Members of this body who are opposed to equality for women, to appear to vote for it. It is a desperate, deceptive, last-ditch design to thwart a victory that women have fought for for more than 40 years, and which they will soon win. But it has not deceived anyone. Let me implore my male colleagues now at least to act like men on this question; if you oppose equality for women, vote down the Wiggins version and then stand up and cast your votes openly against the original form of the amendment as it was introduced by the gentlewoman from Michigan. But stop trying to fool us: It will not work any more.

Let me say also today that I would like to point out to the gentleman that it is not a question of whether or not we are going to snip clitoral imperialism or smash male oppression. The question is whether or not in reality we are going to accord to the women of this country equal rights being determincd by an amendment which must secure the ratification of the respective State legislatures. We are merely serving to give the direction and the leadership and trying to get the country into the kind of atmosphere that will be now conducive for giving equal rights to women in the same way that, for many years, we got the country ready for giving equal rights—not completely equal yet—to blacks. I think that this at heart is the issue, and any attempt to minimize what the gentlewoman has proposed will merely be an attempt to try to make the public believe that we are really for giving equal rights to women when deep down inside we are not interested in that at all.

Mr. WIGGINS. Mr. Chairman, will the gentlewoman yield?

Mrs. CHISHOLM. I yield to the gentleman from California.

Mr. WIGGINS. The gentlewoman has made the assertion that a purpose of the committee bill is to undermine title VII of the 1964 Civil Rights Act. I do not believe that statement should remain unchallenged. Title VII of the Civil Rights Act of 1964 refers to private employers engaged in commerce with 25 employees or more. The provision before us has nothing to do with private employment and applies only to public employment. The two acts are not mutually destructive. There is no intention on my part or on the part of the committee to undercut title VII of the Civil Rights Act, and the measure does not do so.

Mr. McCLORY. Mr. Chairman, will the gentlewoman yield?

Mrs. CHISHOLM. I yield to the gentleman from Illinois.

Mr. McCLORY. I believe, quite to the contrary, that this does apply to Federal and State laws and it does affect private employment insofar as affected by Federal and State laws. The effect of the Wiggins amendment, it seems to me, would be to do exactly what the gentlewoman said. It would build into the Constitution and perpetuate the inequalities we are trying by this constitutional amendment to eliminate.

Mrs. CHISHOLM. I believe it must be further understood that any accomplishment which has been made under title VII can really be minimized in terms of this Wiggins amendment insofar as women are concerned.

Mr. WIGGINS. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, we consider here today an important legal and constitutional question. We should approach it as such; and whatever emotional overtones this issue may have, we clearly ought not to resolve it on any emotional basis.

I take as a starting point the assumption—which I believe to be entirely factual—that no one in this House believes in invidious discrimination toward or in unfair and unjust treatment of either sex, whether by governmental action or by private attitude or conduct.

The question before us is whether this proposed constitutional amendment is either a necessary or a desirable method whereby to strike at such unjust or discriminatory conduct.

Here again I start with a very basic assumption; namely, that the Constitution of the United States—a truly well-drawn and fundamental document which has served us well with few changes for almost 200 years—is not to be amended except in case of a demonstrated necessity. I submit to the House that, very clearly, no such necessity exits here.

In the hearings before the Subcom-

mittee of the Judiciary Committee, our colleague Mr. WIGGINS of California—at page 324 of the hearings—questioned Mr. William H. Rehnquist, Assistant Attorney General, as follows:

Mr. WIGGINS. Do you feel the constitutional amendment is necessary to implement the Federal policy you have enunciated, that is, no discrimination on the basis of sex?

Mr. REHNQUIST. No, I don't. I think one could do it by statute.

Prof. Paul A. Freund, of Harvard Law School, a recognized constitutional authority, has said in a statement submitted to the committee:

Congressional power under the commerce clause, as the civil-rights legislation shows, is adequate to deal with discrimination (whether private or governmental) based on sex, as on race.

And again:

Congress can exercise its enforcement power under the fourteenth amendment to identify and displace state laws that in its judgment work an unreasonable discrimination based on sex.

As Professor Freund has said:

The proposed amendment attempts to impose a single standard of sameness on the position of the sexes in all the multifarious roles regulated by law—marital support, parental obligations, social security, industrial employment, activities in public schools, and military service—to mention the most prominent.

Very clearly, I submit, the statutory approach, with its far greater flexibility, is much to be preferred to the nonflexible route of amending the fundamental law; and, moreover, questions of policy—which is what we deal with here—are much better determined by the legislative branch, which, under our system, was created for that primary purpose.

Another reason why a constitutional amendment is unnecessary is that there is a very good probability that governmental discrimination based on sex, on the part of the several States of the Union, is already barred under the "equal protection" clause of the 14th amendment.

Three cases are pending before the Supreme Court of the United States at this present time which present this question: The Stanley case from Illinois, Reed against Reed from Oregon, and Alexander against Louisiana, and—according to the clerk of the Supreme Court, to whom I talked this morning—the Stanley case and the Reed case are set for argument on October 18 or 19.

I ask the House, does it make sense for us to amend the Constitution here today when the Court in a few weeks' time is likely to render a decision which will make any such amendment demonstrably unnecessary?

Mr. McCLORY. Will the gentleman yield?

Mr. DENNIS. I yield to the gentleman.

Mr. McCLORY. I thank the gentleman.

I want to comment that it is true that a great many proponents of this principle do feel that the entire action could be taken by legislation. I conceded that in my remarks.

Also, the gentleman is correct that the 14th amendment could be applied to provide equal rights to women, but it has not been so far, and if the pending cases do achieve this before the ratification, why, then, of course, it is possible that this would be redundant. But there is nothing here to indicate in their decisions that that would be the case.

Mr. DENNIS. I thank the gentleman for his contribution.

I think the way cases have been going, and the way the interpretation of the law in the lower courts has been going, the probability is quite good that the courts will take that point of view, but what I am saying is they are going to argue it in a couple of weeks, so we can at least wait to see what they are going to do.

Here a few days ago, as has already been pointed out, the distinguished gentlewoman from Michigan—and I see she has left the floor and I am sorry about that—made the argument that the women of this country were the last people who ought to trust their rights to the Federal courts, because the courts had never treated them fairly; this was substantially what she said. Yet I submit to the House that by following the amendment route, if we do, we are going the route of submitting this whole proposition to the courts. I say that because in litigated case after litigated case we are going to have to decide what this new amendment with its language on equal rights means. Of course, at present we litigate the commerce clause and equal protection under the 14th amendment, but we are going to add to it a new amendment, the equal rights amendment and we are going to spend 20 years litigating that and deciding what it means. That is the very thing the gentlewoman says we ought not to do and which I personally agree we ought not to do.

There is danger in this process, too, for our already weakened and increasingly weakened federal system; for, in the interpretation of the meaning of this amendment the Federal courts will have to pass on its effect on State laws protecting the health, safety, and welfare of women in industry, on the rights of a woman to support and to child custody, on questions of property rights and inheritance, all of which are matters now largely entrusted to the several States and which, I would think, we ought to be very loath to turn over to determination by the Federal courts.

Moreover, the amendment as originally proposed by the gentlewoman from Michigan (Mrs. GRIFFITHS) and as interpreted, I think it fair to say, by a majority of its prime supporters equates "equality" with "identity," and insists upon a sameness of treatment, without leeway for any reasonable difference in law based upon an existing difference in fact.

Professor Freund has pointed out that a proposal which was made in the Senate a year or 2 ago to revise the amendment to read that "equal protection of the laws shall not be denied or abridged—on account of sex" was rejected by the proponents of the amendment for the very reason that the courts and legislatures, under this language, might find some compelling reasons for certain classifications, and that this was not acceptable.

As Professor Freund says:

A doctrinaire equality, then, is apparently the theme of the amendment. And so women must be admitted to West Point on a parity with men; women must be conscripted for military service equally with men—though classification on an individual basis for assignment to duties would be valid, it is asserted—girls must be eligible for the same athletic teams as boys in the public schools and State universities; Boston Boys' Latin School and Girls' Latin School must merge—not simply be brought into parity; and life insurance commisisoners may not continue to approve lower life insurance premiums for women—based on greater life expectancy—all by command of the Federal Constitution.

On one thing, at least, there is no dispute.

The proponents of the proposed amendment in its original form all concede that if this amendment is written into the Constitution of the United States the Congress will be compelled, at any time it drafts men for military service, to draft women, and at any time it drafts fathers to draft mothers.

To me, the drafting of American women and mothers into the military service is a thoroughly undesirable social development which would go far, indeed, to transform us into a national socialist state. I am totally against it, and I have found no substantial support for it anywhere I have gone, whether among men, or among women's groups.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. WIGGINS. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. DENNIS. Yet, if the Congress wants to do this the Congress has undoubted power to draft women, by legislation, today. Congress has not seen fit to do so, and, quite obviously, has no such desire or intention at the present time.

Are we then, by the adoption of a constitutional amendment, to force ourselves to draft women, whether we want to or not, whenever we decide that we must draft men?

The question would seem to answer itself, and I suggest to my colleagues that it will take a great deal of ingenuity, should the amendment be adopted in its original form, to explain and to justify this result to a majority of our constituents, both men and women.

The Wiggins version of the amendment, as reported by the Committee on the Judiciary, of course represents an effort—vigorously opposed by proponents of the original amendment—to meet some of these objections.

It does serve to meet some of them, and the Wiggins, or committee, version is very definitely to be preferred to the original version of this amendment which is sponsored by the distinguished gentlewoman from Michigan and which is supported by a minority of the Judiciary Committee.

As I have already pointed out, however, no amendment at all is either necessary or desirable in order to achieve the legitimate goals of the proponents of these amendments.

The route of State and Federal legislative action, and of Court decision under the existing provisions of the commerce clause and of the fifth and 14th amendments, is open, is adequate, and is pref-

erable to the new constitutional amendment now proposed.

Mr. Speaker, the legitimate legal rights of women are already guaranteed under the Constitution of the United States; and to safeguard these rights it is wholly unnecessary to tamper with the broad and protective provisions of that great document.

Mr. WIGGINS. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio (Mr. KEATING), a member of the committee.

Mr. THONE. Mr. Chairman, will the gentleman yield?

Mr. KEATING. I yield to the gentleman from Nebraska.

Mr. THONE. I thank the gentleman for yielding.

Mr. Chairman, the House of Representatives has the opportunity to take a historic step forward tomorrow. We can do this by passing House Joint Resolution 208 as originally proposed by Representative MARTHA GRIFFITHS.

We could also take a step backward. House Joint Resolution 208, as amended by a close 19-to-16 vote of the Judiciary Committee, would not just make the resolution meaningless, but would violate the principle of democracy currently guaranteed by the equal protection clause of the 14th amendment,

The Wiggins amendment, if accepted here and eventually ratified by the State legislatures, would write into the Constitution some of the very evils of law and administration that the original resolution was intended to eliminate. Under the guise of protecting the health and safety of women, the Wiggins amendment would retain and strengthen discriminatory practices against women.

House Joint Resolution 208 as originally introduced is not just an equal-rights-for-women amendment. It is an amendment to provide for equal rights for people. The resolution, when it becomes a part of the Constitution, will aid women by allowing them to compete on merit for jobs and opportunities. When this equal rights amendment is ratified it will also provide for equal treatment now denied the men of this Nation. The equal rights amendment will give men justice in matters of divorce, alimony, child custody, and other fields.

The amendment to provide equal rights for all people is not a unisex measure. After this amendment becomes a part of the Constitution, legislation and administrative actions may take into account a physical characteristic unique to one sex. What would be illegal would be law or administration that requires employers to give women more rest periods, and thus lower pay, than men, regardless of size, weight, or physical condition.

The legal doctrines of "separate but equal" and of "benign quotas" and "compensatory aid" have not constitutional nor beneficial relations between the races. These theories will not provide for justice between the sexes either.

To approve the Wiggins amendment would be a betrayal of the women of our country and of the principles which our President has repeatedly supported. I urge my colleagues to follow the precedent set by this body in 1970 and overwhelmingly support House Joint Resolution 208 as originally introduced.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. KEATING. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, I should like to associate myself with the remarks of the gentleman from Nebraska.

Mr. Chairman, as one of the many authors of the equal rights amendment, I support it enthusiastically in its original, pristine version.

The case for equal opportunity is obvious. Protections which are said to be available under the 14th amendment simply have not been available. The equal rights amendment is more than symbolic. It is also a vital need.

The committee bill now includes the Wiggins amendment. It is attractive and apparently reasonable, but only the original bill gives a real guarantee of equality.

Therefore, I urge removal of the Wiggins amendment and prompt approval of the original version of the equal rights amendment.

Mr. KEATING. Mr. Chairman, I rise to support House Joint Resolution 208, as favorably reported by the Judiciary Committee.

There is no question that women in the United States often suffer from unfair discrimination in the fields of employment, education, and in countless other areas. Women are frequently denied opportunities and privileges granted to men as a matter of course. Many of these discriminations arise out of law, and many exist purely as a result of prevailing social attitudes.

In confronting this problem, the Judiciary Committee squarely addressed itself to the elimination of discriminatory practices arising from deficiencies in the law. The amendment reported by the committee will provide a constitutional basis to strike down those laws which use sex alone as grounds for denial of equal rights. This amendment will be effective. This amendment will produce meaningful, substantive results. This amendment represents a responsible approach to the issue now before us. Passage of this amendment is a must to those who desire a fair and impartial application of the law to members of each sex.

In considering House Joint Resolution 208, the Judiciary Committee became aware of sharp differences of opinion concerning how this amendment should be worded. The committee concerned itself with striking a proper balance between those situations where women are discriminated against by law, and those situations where the law allows for some rational distinctions to be made between the sexes. Deliberations took place with the knowledge that laws which treat men and women differently are not, for these reasons alone, necessarily discriminatory. The committee is of the opinion that an amendment to the original text is necessary in order to make absolutely clear the intent of Congress. We must avoid irrational, predictable consequences which would actually damage the cause of equal rights for women.

This amendment makes clear that—

Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

This amendment makes clear that women are to be treated as equal human beings with men, but not as human beings identical to men in every respect. This represents no compromise on principle. This does represent a responsible and legally sound basis for insuring equality under the law for our Nation's women.

It is commonly charged that the committee amendments would be "crippling." This charge is completely without legislative basis. The amendment reported by the Judiciary Committee would in fact nullify any law in which sex alone was the basis for denial of a right. I cannot overemphasize this point. These laws simply will not stand under this amendment. In summary, there is absolutely no substance to the charge that this measure would in any way damage the cause of equal rights for women.

The so-called unisex approach of the original text would cause unwanted and chaotic consequences which I am certain we must avoid. Congress has thus far chosen to preclude young women from being conscripted into military service and assigned to combat alongside men. We have laws which allow private, sexually-segregated educational institutions to receive Federal funds. We have laws and regulations which protect the privacy of males and females. We have laws which discourage women from engaging in occupations particularly arduous and hazardous; and we have laws which allow for compensatory health insurance rates for women in view of their longer life expectancy. The list is nearly endless. There are many, many laws which in fact are not discriminatory, but which merely make some rational distinction between men and women. I am certain that this Congress has no desire to nullify all existing laws of this kind.

All of us desire to insure equality under the law for women. The question before us is what is the best means to accomplish this objective. This is the crux of the issue. As a former judge I can well appreciate the enormous difficulty in attempting to apply laws which are vaguely worded, and which may be read with the broadest possible construction. Remote and esoteric questions of law will arise, as this is a simple and undeniable fact of judicial life. Admittedly, it could sometimes be difficult for a judge to determine when a statute affords protection and when it imposes a disability. However, this sort of question would be appropriate for judicial resolution on a case by case basis. The amendment reported by the Judiciary Committee does offer some guidance in attempting to resolve these difficult issues. The original text does not.

It is a crucial point to bear in mind that just as it is the duty of the judiciary to effectuate the aims of legislation, it is also the duty of the legislature to make clear what its aims are. For it is an act of usurpation for the judiciary to read legislation to effect its own aims and purposes, it is an abdication of the legisla-

ture's responsibility to promulgate law which fails to clearly state its aim and purposes. The Judiciary Committee has acted wisely in confronting this question. Uncertainty about the amendment's effects and duplicity about its meaning have been effectively resolved in the committee amendments. On the other hand, the original text would have accomplished little more than producing anomolies, confusion, and further injustices on our Nation's women. In the original text, there were simply too many basic, commonplace, and recurring questions which were left unanswered.

I support the bill as reported. It is good, strong legislation, and should be approved.

I will give my support to the unamended House Joint Resolution 208, if this is necessary to sucure final passage of the Equal Rights Amendment. I urge my colleagues to do the same. In my view, however the committee bill represents a more responsible legislative approach and should receive affirmative action from this body. The women of our Nation are worthy of nothing less than this total commitment to their cause for true equality under the law.

Mr. EDWARDS of California. Mr. Chairman, I yield such time as he may use to the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Chairman, I rise in support of the equal rights amendment, as originally introduced by our colleague from Michigan (Mrs. GRIFFITHS), and I commend her for the effective and inspiring leadership she has given this issue. In this Congress I joined as a cosponsor of the original Joint House Resolution 208, by introducing its companion House Joint Resolution 284. In past Congresses I have also introduced bills similar to House Joint Resolution 208.

The first legislative call for an equal rights amendment was introduced in 1923. Last year, after 47 years of inaction, the House overwhelmingly passed this constitutional amendment. Unfortunately, the Senate added crippling riders, and the bill was withdrawn. Today, we are faced with a similar problem in the House. During committee consideration, the original language was unacceptably weakened by the Wiggins amendment, which would permit the maintenance of restrictive Federal and State laws in the name of protection of "the health and safety of the people." I opposed this attempt to gut the resolution in the Judiciary Committee, upon which I serve, and I urge my colleagues to vote against it now. If the Equal Rights Amendment is to accomplish its objective, there must be no compromise of the "equality" guaranteed to the sexes.

The need for this constitutional amendment is clear. In employment, in education, and in legal status, women have long suffered from discriminatory laws and practices, without legal remedy.

The earnings of women workers, who now comprise over 40 percent of the labor force, are only 60 percent of male earnings, and the gap is widening. Of those in the workforce, twice as many women are unemployed. A male college graduate earns about $12,000, a woman about $7,000—about the same as a man with a 12th-grade education.

Women are still barred completely from many public educational institutions; in others they are subject to restrictive quota systems. Those in school receive fewer incentives and scholarships to go into challenging technical and professional fields.

In several States women cannot contract or sign leases until they are 21 while men can do so at 18; in others there are special restrictions on the right of a married woman to contract.

It has been argued that an additional constitutional amendment is not necessary to reform these practices, that the due process clause of the fifth amendment and the equal protection clause of the 14th amendment make another constitutional provision unnecessary. It is also said that title VII of the 1964 Civil Rights Act, which forbids discrimination in employment on the basis of sex, provides a way to enforce women's rights. However, the fifth and 14th amendments have not been construed by the courts to grant women full and equal protection under the law, although the Supreme Court has recently agreed to hear three cases brought under the 14th amendment.

While the Equal Employment Opportunity Commission, set up to enforce title VII, has brought several suits on employment discrimination based on sex, it lacks real enforcement powers, and relates to only one aspect of the many-faceted discrimination which affects women. Many discriminatory State statutes remain on the books. Any attempt to change these laws through piecemeal litigation, as witnessed by the creeping and uncertain pace of change in the past, would at best be a tentative and grossly inefficient way of bringing about reform. The ratification process and the 2-year waiting period before the amendment takes effect will give the States motivation and opportunity to review their laws and bring them into conformity with the new constitutional principle.

The fact that the equal rights amendment will take a probable 5 years before implementation means that we cannot neglect other modes of legislative action to eradicate sex discrimination. In this regard, I have cosponsored a bill to implement the recommendations of the President's Task Force on Women's Rights and Responsibilities, H.R. 916. This bill would extend the benefits of major civil rights legislation to women. The 1964 Civil Rights Act attacks discrimination in five major areas—public facilities, public accommodations, public education, federally assisted programs, and employment. Only one of these sections, that dealing with employment, prohibits discrimination on the basis of sex. This bill would extend protection in all areas to women, and strengthen the employment provisions of the act.

A factor related to discrimination against women with children who are seeking educational or employment opportunities is the lack of adequate child care services. In 1969, 5.4 million families were headed by women, women who in many cases had to work full time to support their families. These women do not have access to proper child care services. Those who do find some sort of care for their children can claim only partial tax deductions for such expenses. I have cosponsored H.R. 4377, which would allow full tax deduction for child care expenses, and H.R. 7340, the Comprehensive Child Development Act of 1971, which would extend health, education, nutritional, and social services to children of working mothers and single parents of either sex. Some of the provisions of this bill were incorporated into the legislation extending the Office of Economic Opportunity recently passed by the House.

The time is long overdue for the removal of all barriers to full equality of the sexes. It is essential that House Joint Resolution 208 be passed, in its original unadulterated form.

Mr. EDWARDS of California. Mr. Chairman, I yield 5 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK. Last year this House passed the equal rights amendment by an overwhelming vote. There would be no cause for concern this year if the bill were identical to the one passed last year. However, this year the bill is being assaulted by a highly mischievous amendment. This constitutional amendment for equal rights without regard to sex would be not only worthless but demeaning and destructive to women if this so-called Wiggins amendment is adopted. In my view it would be far better not to pass the bill if it includes the Wiggins amendment. And I for one intend to vote against the entire bill if this amendment is appended to it.

If you vote for the Wiggins amendment make no mistake about it, you are voting against women, and I advise you to plan on explaining your reasons. The women of this country will no longer be fooled. They know exactly what the Wiggins amendment does, that it will completely nullify the purpose of a constitutional amendment on equal rights.

It is my view that women are already under the Constitution of the United States guaranteed equal rights. The 14th amendment clearly specifies that each person shall have equal protection under the law. It does not say each man, but each person. Therefore, a constitutional amendment I agree is redundant, but the fact of the matter is that the courts have refused to acknowledge this right in case after case which have been brought to the courts' attention.

In voting for the equal rights amendment last year, I did so to underscore this fundamental human right which I believe is guaranteed by the Constitution but which the courts have denied. It may be redundant to have this constitutional amendment, but there are worse things than redundancy, among them the lack of action by our executive, legislative, and judicial bodies to put into effect the equal rights safeguards already in the Constitution.

The equal rights amendment as originally offered will awaken our somnolent public servants to the fact that women are people and fully entitled to equal protection of the laws. Adoption of the amendment would, I also agree, leave us the formidable task of seeking extensive legislation and judicial actions to imple-

ment it in all States and local jurisdictions across the country. But we would be in no worse position than we are today. we will face a large task of action and enforcement but at least we will have the backing of a constitutional amendment. There can be no more rationalization and equivocation. This country will have to finally come to grips with discrimination against women. Women will note and be reminded of what is done here today. They know that by our actions today we disclose and reveal our attitudes which are the real objects of this effort. In the final analysis these must be changed, if progress is to be achieved.

The Wiggins amendment under the guise of seeking to protect the health and safety of women if retained will legislate discrimination and confer congressional sanction to a wide range of invidious laws that now deprive women of equal opportunity. I urge my colleagues to consider this matter from a serious perspective and to face this issue squarely. If you are for justice for women you must vote to reject the Wiggins amendment. No constitutional provision claiming to pronounce equality for all with the Wiggins amendment will guarantee equality in fact.

I support the bill as introduced by my colleague from Michigan and I urge this House to reject all amendments.

Mr. WIGGINS. Mr. Chairman, I yield 10 minutes to the gentlewoman from Massachusetts (Mrs. HECKLER).

Mrs. DWYER. Mr. Chairman, will the distinguished gentlewoman yield to me?

Mrs. HECKLER of Massachusetts. I am happy to yield to the distinguished gentlewoman from New Jersey.

Mrs. DWYER. Mr. Chairman, I rise in support of the Equal Rights Amendment without the crippling Wiggins amendment.

Mr. Chairman, I am deeply proud to be associated once again with the gentlewoman from Michigan and now with the gentleman from Illinois in this endeavor. As a long-time sponsor of the resolution proposing the equal rights amendment and as a sponsor last year of the discharge petition, I hope our efforts will compel the assent they deserve. For they involve the basic freedoms that belong to all Americans—freedoms that have for too long been denied to the majority of our people simply because of their sex.

In considering the pending resolution, there are three questions that should be answered. First: Is there a demonstrated need for the protection to be afforded by the amendment? Second: Is the Equal Rights Amendment an appropriate way of achieving the desired objective without bringing with it consequences of an undesirable nature? And, third: What is the effect of the amendment to the resolution approved by the committee, the so-called Wiggins amendment?

The need for the amendment should by now be obvious. Time after time after time, presidential commissions, advisory councils, interdepartmental committees, and task forces have documented the continued existence of legal discriminations based on sex. They range from laws prohibiting women from working in certain occupations and excluding women from certain colleges and universities and scholarship programs, to laws which restrict the rights of married women and which carry heavier criminal penalties for women than for men.

In our present legal structure, these discriminatory laws come in three forms: some exclude women from rights, opportunities or responsibilities; some are so designed as to confer special protection; and others create or perpetuate a separate legal status for women without explicitly assigning women to higher or lower rank.

Yet, the effect of them all is to provide statutory support for the economic and social subordination of women. They do so by permitting or requiring differentiation between the sexes in areas where such differences do not exist, the equal protection of the laws. Thus, they have established and sustained a dual system of rights—a system which can only be discriminatory and which can most effectively be corrected by constitutional amendment.

The documentation is extensive, but I would refer our colleagues especially to the report of the President's Task Force on Women's Rights and Responsibilities, which was released last year, the memorandum report on the equal rights amendment by the Citizens' Advisory Council on the Status of Women which was published in March of 1970, and the very useful study of the subject published by the Yale Law Journal in April of this year.

The equal rights amendment is also an appropriate vehicle for ending discrimination against women. It states—very simply and in the best tradition of American liberty—that—

> Equality of rights of any person under the law shall not be denied or abridged by the United States or by any State on account of sex.

Unless the Wiggins amendment is removed, Mr. Chairman, we would, for the first time in modern history, be sanctifying in the Constitution of the United States—the basic law of this land—the very pattern of discrimination we seek to outlaw. We would be endowing with the highest legal authority, which does not now exist, practices we know to be unfair and unwise. We would be revoking, in effect, the work of generations which have led to as least some statutory prohibitions against discrimination based on sex.

Just about 14 months ago, we voted 350 to 15 to approve the straightforward and unqualified language of the Equal Rights Amendment. I see no evidence of new information or new interpretation that would justify reversing our earlier decision and turning our backs on womens' long struggle for equal opportunity.

The basic principle of the equal rights amendment rests on two fundamental judgments which the Congress and the people have long subscribed to: First, the moral judgment that women as a group should not be forced into an inferior position in our society; and, second, the practical judgment that classification by sex automatically excludes consideration of the real differences that exist among women as among men, and thus forces all individuals into a single mold where rights as an individual person no longer receive recognition.

This is why the equal rights amendment is so fundamental.

It would require only that women have the same protection of the laws as men. There are no hidden meanings or tricky implications in this language. It is straightforward and means no more nor no less than it says. It imposes obligations just as it protects rights. But it does not—and this deserves special emphasis—it does not obliterate the differences between male and female.

Those differences exist, and I, for one, welcome them. But the differences between men and women are principally physical and psychological. Where those differences have a significant effect on the capacities of individual women, the law will continue to recognize them, just as the law respects similar differences among men. But these differences should not serve, as they have, as a subterfuge for denying the human and civil rights that belong to all of us. Women, like their male counterparts, should be judged by the law as individuals, not as a class of inferior beings.

This is all the equal rights amendment would do. It would not take women out of the home. It would not downgrade the roles of mother and housewife.

Indeed, it would give new dignity to these important roles. By confirming women's equality under the law, by upholding woman's right to choose her place in society, the Equal Rights Amendment can only enhance the status of traditional women's occupations. For these would become positions accepted by women as equals, not roles imposed on them as inferiors.

For the very reasons, Mr. Chairman, that the Equal Rights Amendment is needed and is appropriate, the Wiggins amendment should be defeated.

Very simply, it would destroy the Equal Rights Amendment. It would contradict the very principle of equality. It would introduce qualifications on which more and more discrimiation could be constructed. It would be worse than nothing at all.

In considering the majority report and its rationale for the Wiggins amendment, one gets the distinct impression that its authors' hearts and minds simply were not in it. In its extreme brevity and its reliance on vague generalization, it is not only an unconvincing document but it makes no real effort to persuade the House to its point of view.

On the other hand, the views expressing opposition to the Wiggins amendment are strongly supported by rational argument, by important and clearly stated distinctions, and by the testimony of outstanding legal scholars. These views also carry with them the authority of a majority of Members who actually participated in the hearings, who questioned witnesses, and who spent considerable time in the effort to master the issues.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I rise in support of the original text of the equal rights for men and women amendment.

I feel that the debate that we have enjoyed today has centered around a

basic lack of understanding about the matter of discrimination which women have experienced in all phases of life in America.

It seems to me that the opposition to the original text of the equal rights amendment stems from a fatal initial error in equating identical with equal in considering both the letter and the spirit of the amendment to the Constitution.

It is all too obvious to me, Mr. Chairman, that men and women are not identical. They differ quite obviously physically. This was the plan of creation, and we would tamper with it at our peril.

But men and women, I submit, do not differ in a basic and most fundamental characteristic—their humanity. They are both, simply, human beings, and that is what we are talking about today.

I might even introduce a note of theology to say that men and women differ in form, but not in substance. And we are concerned here with substance.

Having made the false assumption that passage of this amendment to the Constitution would make men and women identical rather than equal, it is extremely easy for opponents of the basic proposition to pile absurdity upon absurdity in attacking it. It is easy to conjure up all manner of social convolutions and perversions of the basic roles of the sexes.

It is easy to presume a coed military in coed barracks, common public rest rooms, unisex dress, and the overturning of the family structure and a general social vortex in which all things familiar and ordered are uprooted, swirled about, and deposited back on the landscape that bears no resemblance whatsoever to what we have known and adjusted to throughout the long history of the world. So we are embarked on a misconception and, that being the case, we can never really hope to produce anything from a consideration of this issue.

I think at the outset we would be best served by disabusing ourselves of this false assumption, by addressing this issue as it really is, and not what we assume it to be.

Let us understand that when we are talking about equality of men and women under the law, we are talking about real people, human beings, not a Xerox society.

What the adoption of this amendment would basically mean in this context for women would be equality of educational opportunity without quota or restriction, equality of employment without exploitation, equality for women in matters of property, inheritance, and the execution of legal documents.

It likewise means no special restrictions on the work habits, facilities, hours, pay, duties, or emoluments of women. In sum, it means for women the same rights, privileges, and freedom to pursue individual destinies. It means true equal humanity, it means the sameness of standing before the law, and in all the public acts as human beings, and it means no more than that.

One of the principal sticking points in all of this seems to be the proposition that women shall serve in the armed services. Need I remind my colleagues that the pioneer women did just that in the American West, and that Israel women do just that today? So that we are not considering and debating the draft law, but the equal rights for men and women in America.

The idea of drafting women is not original to the concept of the debate on the subject of women. As a matter of fact, it was discussed during World War II, when it looked like it might be a necessity, and it has been reported that as high an authority as General Eisenhower himself said that if the war continued much longer we would have to draft women.

The real point here is not the drafting of women, and certainly this amendment does not preclude the drafting of women, in much the same way that it would not demand it; it would merely lift the restriction that is based on some traditional concept that men and women are not equal, and can never be.

Parenthetically, I might point out that the whole issue of conscription in America today may be just a moot point. We have recently enacted legislation that would terminate the draft in 2 years. It is the announced intention of the administration to seek an all-volunteer Army.

And volunteer to me denotes freedom of choice. I think we would do well to understand that the basic issue we are discussing today means that that freedom of choice or any other extends to all and is withheld from none. If we can disabuse ourselves of this semantic confusion over identical and equal, perhaps we could then consider this issue in the proper context.

There is abundant evidence, of course, that discrimination against women does exist and has existed for a very long time. In fact, every speaker today has admitted it exists. It is manifest in many ways, some implicit, some as a matter of policy.

Lest there be any doubt whatsoever, that this contention is less than valid, I can testify from personal experience as a woman who was graduated from law school with a law degree and tried to embark on a legal career. There was no doubt whatsoever that my attempts to gain entry into the legal profession were met with something less than overwhelming enthusiasm by the law firm on whose doors I knocked, despite the fact that I had been on the Law Review—and everyone wanted me to served in their research department.

My presence here would seem to contradict the fact that there is such a thing as sex discrimination in politics. But I am reminded of one of my first campaigns for the Congress, when I happened to bump into an opponent after I had defeated him in a primary.

His approach to me was:

If I had known then what I know now about you, I would have really let you have it.

I was naturally nonplussed, fearing the worst, afraid that he had uncovered some fatal association in my past.

But he went on to say:

If I had known you were a mother, that race would have really been different. If I had only known that.

And he left the rest to my imagination. I would have been happy to tell him, if he considered it relevant.

But I think that tells us something about attitudes and false assumptions.

We seek the constitutional amendment route not because it is the only route or approach but in the belief that remedy does not lie in the legislative or judicial process and those remedies are far too slow. There has been ample opportunity in both areas for progress—and some has been made—but the Supreme Court itself has never overturned a case on the grounds that a women was discriminated against because of her sex. And I suspect that the Congress and the State legislatures are somewhat less than clamorous in their desire to equalize men and women before the law.

An amendment to the Constitution, therefore, requiring as it does not only Congressional enactment but State ratification, would stitch into the fabric of our jurisprudence the requirement that men and women be and are equal, and its very presence in the body of that law would do a very great deal to right the wrong.

Let me be very very quick to point out that I do not approach this question from either extreme, the one being as wrong as the other. If the one assumes "identical" is the synonym for "equality," the other assumes a great new world of matriarchy with attendant vengence against the male sex for all the wrongs of the centuries, real or imagined.

I reject both extremes. I seek only to persuade not only the uncommitted but the avowed opponents that we do not seek revolution or evolution. And we do not seek so much a redress of grievances as we seek the acknowledgement that the enormous contribution American women have made and can make be recognized and ratified.

Anything that deletes the original language of the amendment withholds the recognition and ratification that there are two sexes but only one humanity.

Mr. WIGGINS. Mr. Chairman, will the gentlewoman yield?

Mrs. HECKLER of Massachusetts. I am very happy to yield to the gentleman.

Mr. WIGGINS. The gentlewoman made some comment, as have others, concerning the role of women in the Army of Israel. I think there is a broad misconception of what that role is. Without explaining it at length, let me say that women do not serve with complete equality in the Israeli army.

With that, I ask unanimous consent to extend my remarks and insert a full explanation in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mrs. HECKLER of Massachusetts. Mr. Chairman, if I may respond—if there is enough time.

In view of the fact that this question has been raised, let me just say that on my recent visit to Israel I learned that a small percentage of women were in combat, but indeed they do serve in the armed forces.

By the same token, in the American Armed Forces only a small percentage of our servicemen serve in actual combat duty. From my very recent experience in Israel, which included conversations with many male and female soldiers in the Israeli army, I found that the women felt

a great sense of pride and commitment in sharing in the defense of their country. Their service is considered ennobling and a constructive contribution as well—a means by which the women of Israel come to understand and share their national life to the fullest extent.

I believe it is consistent with American tradition that a form of national service be contributed by all our youth. The Selective Service Act, which, I repeat, is not the basic issue of discussion here, will have expired by the time the equal rights amendment has been ratified by the 50 States. Hopefully our Nation will then see a type of voluntary enlistment which, in accordance with newly recognized rights and responsibilities of both the sexes in America, will permit each young man and woman to seek his or her destiny in a way that will conform to the mandate of individual destiny rather than to preconceived ideas that prejudice full personal development of young women today.

Mr. WIGGINS. Mr. Chairman, women, if unmaried or childless, are subject to compulsory Army training, along with the young men in the country, but their term of service is shorter.

The Defense Service Law of 1949 makes Israel the world's only country with a full scale peacetime conscription of women, on the same basis as men. The law states that all 17-year-old boys and girls must register with their local draft boards and army recruitment centers. After a preliminary medical examination, they are inducted as conscripts shortly before their 18th birthday. There are three classes: regulars, conscripts, and reservists. Volunteers are accepted from the age of 17. Men serve 2½ years—30 months—as conscripts. If they do not sign up for regular service, they are discharged from active service, after 30 months, and transferred to the combat ready reserves, where they will serve for an additional 40 days per year until they are 39 years old. From then until age 49, they serve in rear area reserves for 15 days a year.

Girls serve 2 years as conscripts unless they marry. In case they do get married while serving as conscripts, they must be discharged. Pregnant women or mothers of babies are excused from any kind of service. Married women of private and sergeant grades must serve in the reserve forces until they are 29 and until age 35 if they are commissioned officers.

Women regulars—career officers—are allowed to serve when married, pregnant, or mothers of children. A pregnant officer must serve during the period of her pregnancy, except during the 9th month, unless the medical commission decides otherwise. She then gets 1 month of pregnancy leave, 2 months of motherhood leave, and 1 month of regular leave, for a total of 4 fully paid months. She must then find a nurse or babysitter and return to full-time duty, or resign from regular service.

A girl can disqualify herself from the draft, either by getting married before she is 18, or by swearing in the presence of two rabbis that her religious beliefs are so orthodox that service in the Armed Forces would seriously interfere with her religious conscience and way of life.

Exemptions and deferments from compulsory military service are few. The primary basis for exemption is permanent physical disability and for religious grounds. Others eligible for deferment or exemption include teachers and students who are taking courses in subjects deemed to be in the interest of the Nation, including medicine, engineering, agronomy, and teaching. Rabbinical students are exempt upon request. Persons who are sole support of their families may also request exemption or deferment.

Israeli girls may study nursing, medicine, engineering, chemistry and physics at universities and technical schools with all expenses paid by the Israel Army. In return they must sign up for 2 years of regular service for each year of study and promise to serve even if they marry and have children. Thus an 18-year-old girl who has just graduated from high school may study medicine for 5 years at the army's expense, but upon receipt of her doctor's diploma she is obligated to serve 10 years in the armed forces.

Girls, after having received their basic training, are mostly assigned to kibbutzes—collective farm settlements made up of pioneers and volunteers—military villages and desert outposts. There the girls live in tents, eat simple army rations and set an example to the farmers by their spartan way of life. They teach the village children, are in charge of the village arsenal of rifles, light machine guns, grenades and light mortars.

Most of these women soldiers living in desert villages are expected to marry, build farms and beget children and settle permanently on their homestead. This is one way the army keeps alive these villages for few volunteers would be willing to settle in these outpost places.

Theoretically, girls are forbidden to serve in combat formations. But this rule is only observed by the Navy and Air Force. Israel Navy warships had numerous women radio operators, radar experts, nurses, and medics aboard during the 1948 war. Since 1949, however, the skippers of Israeli warships have refused to allow female bluejackets aboard. According to the regulations, they would have to be given separate cabins and toilet facilities. Since space aboard ship is so restricted that even officers must share cabins, there is simply no room for girls.

In the Air Force, girls served as pilots and navigators until 1956. During the Sinai-Suez campaign, women pilots flew troop transports, medical evacuation planes, and reconnaissance aircrafts. Early in 1957, the Israel Air Force command issued new regulations prohibiting flight training for women. Air Force generals explained that pilot or navigator training is very costly, ranging from $100,000 to $200,000. If all this money is spent to teach a man how to fly a jet or a helicopter, the Air Force receives in return at least 18 years of active and reserve service in the air.

But all this money goes down the drain, if spent on a girl who gets married, has children, and is no longer able to fly. What with the rising cost of aircraft, training, and equipment, the Air Force can no longer afford the uncertainty of training women as pilots.

However, in radar observation units, radio and telephone communications, technical and supply services, headquarters, operations rooms, intelligence and administration, both in the navy and the air force—girls fill hundreds of different posts and specialties, ranging from the folding of parachutes to operating searchlights and control towers.

Although, as mentioned before, theoretically, girls are forbidden to serve in combat formations, the general staff has issued "provisional orders" allowing women to serve in combat units on a temporary basis where male experts are lacking—provided there are no less than eight girls per battalion.

Service on company or platoon level—except for Nahal Corps—is not allowed and the eight-girl squad attached to battalion headquarters must be commanded by an officer or senior sergeant and must be provided with separate living facilities.

Tents and barracks of girl soldiers are strictly off limits to men. Anyone entering them without permission and unaccompanied by the female commander is subject to immediate court-martial.

Girls serve nowadays in infantry, artillery, parachute, commando, armored, and engineering battalions as radio operators, map interpretation experts, administration supervisors, and nurses.

On the brigade or regimental level, there is a headquarters company composed almost entirely of girls and even larger size units on division and corps headquarters levels.

Mr. EDWARDS of California. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. SEIBERLING).

The CHAIRMAN. The gentleman from Ohio is recognized for 4 minutes.

Mr. SEIBERLING. Mr. Chairman, I hesitate to take the floor in support of this amendment. I do support it. But after the lucid arguments so charmingly delivered by so many examples of exquisite feminity, I think I have very little to add. But I just want to point out one seeming basic discrepancy in the arguments of the supporters of the Wiggins amendment and the opponents of the proposed equal rights for men and women amendment. On the one hand they take the position that it is not necessary, because the 14th amendment already takes care of this problem. And, frankly, I think the 14th amendment, if properly interpreted, does take care of this problem.

Unfortunately, in over 100 years it has not been so interpreted. So it seems to me it is time we did something to make sure that it is.

Then on the other hand they say that while they support judicial interpretation of the 14th amendment, they are very fearful of judicial interpretation of the proposed equal rights for men and women amendment. It is very difficult for me to understand why, because this amendment is a much more limited, much more explicit, and much clearer amendment than the 14th amendment. It is a very simple proposition that we are not going to deny equality of rights to any person on account of sex.

If we accept their position in order to meet their fears about what this amendment is going to do unless the Wiggins amendment is adopted, then they must

logically consider attaching the Wiggins amendment to the 14th amendment. And I submit that that would produce an absurd result, and I am sure they would agree.

But, gentlemen, you cannot have it both ways. Either the 14th amendment encompasses this amendment, in which case your fears are groundless as to the implications, or else it does not, in which case this amendment is absolutely necessary.

I have no further comments to add, Mr. Chairman.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from California.

Mr. EDWARDS of California. Does it seem to the gentleman that what the Wiggins amendment generally is saying is that a law can discriminate against women as long as the law benefits her health and safety?

Mr. SEIBERLING. That is exactly the effect of the Wiggins amendment, in my opinion, except for the part that deals with the draft, and that says it can discriminate against women as long as it relates to the draft.

Mr. EDWARDS of California. So that any legislature or any local government could pass almost any law it might want to which would discriminate against women, but add the magic Wiggins phrase at the end and it would be constitutional?

Mr. SEIBERLING. I quite agree, and I feel that that is the vice of the Wiggins amendment.

Might I add one philosophical comment, and then I will yield to the gentleman. It seems to me the reason why some people have hangups on this amendment is that times are changing and it has forced us to confront ourselves with the changing concepts of the role of the various elements in our society. The role of women has been changed by technology, by medical science, by our changing sociological concepts, and by a whole raft of factors which require us to rethink our Constitution, to rethink our concepts of law and our concepts and our relationships to each other. It seems to me that the argument on the draft has an underlying absurdity in it. The idea has been advanced that because polls were taken which show that women oppose the idea of being drafted does not prove a thing. I have seen polls taken in my district which show that overwhelming numbers of men in my district oppose being drafted. So what have you proved by saying that women oppose it? They all oppose it.

The problem on the draft question is very simple. If women can physically meet the requirements of the Armed Forces for military service, then they have not only the duty, but the right to perform military service.

As has already been pointed out by the gentlewoman from Massachusetts, General Eisenhower contemplated drafting women in the Second World War. This is not a matter of something new. It is an old phenomenon we have been dealing with for centuries, and our pioneer ancesters dealt with it also. It simply requires reapplying in a modern context.

Mr. WIGGINS. Mr. Chairman, if the gentleman will yield, the gentleman from Ohio is a distinguished lawyer. I am surprised at a statement that he made in response to a question by the gentleman from California (Mr. EDWARDS) that a legislative body could insulate itself simply by inserting a finding of fact at the end of its legislation to the effect that it was intended for the benefit of the health and safety of the people.

Mr. SEIBERLING. Mr. Chairman, let me clarify that. Obviously mere assertion of a finding of fact in the language of the statute would not be sufficient, but as long as they could show the legislation resonably protected the health and safety of the people, that is all they would have to show.

Mr. WIGGINS. That is correct, and that is the constitutional standard at the persent time under the 14th amendment.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. WIGGINS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I take this 5 minutes, as far as I know, to close the debate on our side of the aisle. I think this has been a constructive exchange in which some of the issues have been sharpened at least for the benefit of a later court which must decide what this Congress intended when it enacted some sort of an equal rights amendment to our Constitution. However, let me say that the result of the hearings and the result of this debate have left open the following questions or positions which can be asserted with some certainty.

First of all, the concept of separate but equal, first recognized in Plessy against Ferguson and struck down in Brown against Board of Education cases would not be resurrected in order to permit legislative bodies to create separate but equal facilities for men and women. That is the unanimous view of the witnesses before the committee.

Let me say that result would produce a devastating impact in some areas with which we must deal. Prisons, for instance: To require as a matter of constitutional necessity that prisons could not be separate but equal for men and women is absurd.

Another example: Women as a class could not be prevented from serving in any work capacity by any unit of government. That sounds just fine until we apply it to the unit of Government named the military. It means sex could not be a bona fide occupational qualification, to exclude women as a class from serving as a rifleman, or from driving a tank, for example. Each woman's capability would have to be measured as an individual. To some that is just fine; to others, and to me, it creates a problem—a problem, at least, of morale. At least that, but moreover the ability of this Nation's Military Establishment to defend this country may be seriously eroded if we require that women be totally integrated into every unit. Think about that when we vote tomorrow.

In addition, Mr. Chairman, millions of women in America today are now the beneficiaries of either alimony or child support orders. Those orders are based upon State statutes which all would agree would be rendered unconstitutional under the Griffiths form of the constitutional amendment. The question arises as to what is the validity of those orders if based upon an unconstitutional statute. The consensus of the legal thinking is that under existing orders, accrued support, would remain valid, but that future payments would be invalid. One should reflect upon the burden we would impose upon millions of women in America to say they must find their ex-husbands and get them back to court to modify that order if these former husbands and fathers are not going to go in of their own volition, but instead the ex-wives are going to have to find them and hire an attorney to resolve the issue.

That is no small burden to impose upon millions of women in America.

Another question. The judicial enforcement of private acts of discrimination is clearly up in the air. I refer to the problem raised by the famous case of Shelly against Kraemer in which the court would not lend its powers to enforce private acts of discrimination. In the Kraemer case, of course, it was a racial covenant.

The question now is, can the court now lend its enforcement power to implement a private act of sexual discrimination; for example, a testamentary gift to an all-boys institution. That issue is very much up in the air, and it is not resolved by the Griffiths form of amendment.

Finally, Mr. Chairman, it has been suggested by some eminent legal scholars, whom I respect, that it would be possible under the Griffiths form of amendment for laws which confer benefits to women to stand but laws which discriminate against them to be compelled to fall.

I ask, Mr. Chairman, who makes that decision? Very few State legislatures enact laws for the purpose of discriminating against women. It is their purpose initially to benefit women. Some may disagree. Some may feel they have made a mistake. But who makes the decision? In the final analysis the courts will make the decision.

But if we recognize legislative bodies have the power to impose classifications to grant benefits to women and deny them discriminatory legislation we have not accomplished a thing under this amendment, because that is the law under the 14th amendment.

All these questions and others, Mr. Chairman, remain. I hope that these questions and others will be answered at least in the minds of Members when they vote tomorrow.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Illinois.

Mr. McCLORY. I should like to make a few comments with regard to these difficult areas to which the gentleman made reference, because these are samples of the kinds of questions that occurred during the committee hearing. Whenever they could be used to try to make a situation appear absurd or ridiculous they seemed to carry some weight.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. WIGGINS. Mr. Chairman, I yield myself an additional 5 minutes.

Mr. McCLORY. For a time it seemed

to me that the most awkward question which was posed was that with respect to toilet facilities. Would this compel the equal use of toilet facilities by parties of different sexes? Of course, then when it was explained that they do use the same toilet facilities in all of our aircraft that point seemed to dissipate.

Then we get to the question of education. Of course, it has appeared that actually, right here in the adjoining State, at the University of Virginia, a State university was discriminating against women and was subject to a court order that is requiring them to admit women equally with men under a sort of long-range program.

It seems to me that each one of these different questions really disappears when one thinks it through and finds that reasonable people can resolve the problem of legal equality without jeopardizing any of the rights or privileges we have.

So frequently there has been reference made in the course of this discussion to the subject that somehow or other those who support the Wiggins amendment are rational and reasonable and those who oppose the Wiggins amendment would be irrational. I have looked at the Constitution, and I do not find the word "reasonable" used in the same way as in this amendment in any other similar context. I question that we can charge those who support the equal rights amendment with supporting positions that are unreasonable, irrational, awkward, impossible, embarrassing, or invasions of privacy, or of doing any of the ulterior maleovent things suggested with respect to this legislation.

I would also reject the thought that somehow or other in the application of a selective service law—to which this bill could not possibly apply, since it would not take effect until 2 years after ratification and the present law expires before that time—that if there were a selective service law somehow it would compel those in the military to assign equally people to certain duties.

That is because there is no such requirement now with regard to male draftees. They can be assigned to wherever the military chooses to assign them, where they can be best employed.

Mr. WIGGINS. Because we are operating under the equal protection clause at the present time and not an equal rights amendment. That is why we can make that type of classification.

Mr. Chairman, I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, I would simply like to comment that I think my colleague, the gentleman from California, made a very able summation of the problems presented by this question before us.

I want to make one additional observation.

It seems to me that much of the very eloquent argument we have heard on the other side of this question has been criticism of social attitudes and old prejudices with respect to women, in much of which I completely join with the very eloquent ladies who made this criticism. I am sure the gentleman from California does, too. We feel basically the same way. But in this amendment we are talking about I think we should not lose sight of the fact that all it does is say that the United States or any State government cannot deny or abridge equality of rights under the law on account of sex. It does not reach and it cannot reach the social attitudes which have been justly criticized here.

It seems to me, with all respect to the Members who made those arguments, that they are really beside the point. We have no quarrel with them, but they are not addressing themselves to the issue before us.

Mr. WIGGINS. I appreciate the gentleman's comment.

In conclusion, I think it is quite possible for all of us to keep our commitment to equal rights for men and women in this country and to do so within the context of commonsense. That is the purpose of the committee amendments, and I hope they are supported.

Mr. EDWARDS of California. Mr. Chairman, I yield the balance of my time to the gentlewoman from Michigan.

Mrs. GRIFFITHS. Mr. Chairman, I would like to refute some of the statements made by the gentleman from California.

It would be most unfortunate, I believe, to permit to stand unchallenged the statement that a testamentary trust could be breached through the equal rights amendment and you could disburse your money equally between sons and daughters if it could not be breached through the 14th amendment. Through the 14th amendment is the way they breached the boys' schools in Philadelphia, as I recall it.

First, the gentleman from California and others are arguing that the 14th amendment will do all we ask. Then they say that the equal rights amendment would do something far more. Oh, no, Mr. Chairman, that is not true. The real truth is that the equal rights amendment, even if passed, might still be interpreted as the 14th amendment has been interpreted and give no rights to women. The 14th amendment has been interpreted to permit any classification that the Court deems to be reasonable; to permit women to be discriminated against in any way. They are not judged as human beings, Mr. Chairman. They are judged as a class. But when the blacks come up before that same court, Mr. Chairman, they are not judged that way. Any type of classification against them is unfair but not against a woman.

Now, all of this nonsense about the Army, saying that they would have to be equally distributed in every regiment. Has the gentleman ever read any cases where anyone appealed to the Supreme Court against Army regulations and asked that he be given equal treatment?

Not one that I know of has ever won.

The draft itself is equal. That is the thing that is equal. But once you are in the Army you are put where the Army tells you where you are going to go. The thing that will happen with women is that they will be the stenographers and telephone operators. If you had, really, an arduous campaign, you could cut the draft call in this country by 50 percent.

However, the real truth is that it will affect the whole social body. You will have one whole looking over the problem of war and maybe they will increase their voice on the side of peace even more vociferously than they are doing today.

Mr. Chairman, what the equal rights amendment seeks to do, and all it seeks to do, is to say to the Supreme Court of the United States, "Wake up! This is the 20th century. Before it is over, judge women as individual human beings. They, too, are entitled to the protection of the Constitution, the basic fundamental law of this country."

Mr. WIGGINS. Mr. Chairman, will the distinguished gentlewoman from Michigan yield for an observation?

Mrs. GRIFFITHS. Yes, I yield to the gentleman from California.

Mr. WIGGINS. I realize that the distinguished gentlewoman feels strongly about these matters and I sympathize with her because it must be frustrating to look back over 53 years or 47 years, or whatever it is, and see no success in achieving the objective which the gentlewoman thinks is appropriate.

But if I were to talk about the way things are in the military, we are talking about a new situation, a situation in which there is a section added to the Constitution of the United States that says equality of rights under the law. They have to think about the situation in the future and it is that future specter that disturbs me.

Mrs. GRIFFITHS. Let me say once again that equality of law would merely mean that you would have an equal draft. You will still have equal people placed exactly where the military wants to place them.

Mr. ROSTENKOWSKI. Mr. Chairman, I would like, at this time, to add my support to House Joint Resolution 208, the equal rights amendment as introduced by my distinguished colleague, Mrs. GRIFFITHS of Michigan. This amendment will eliminate, under the law, discrimination in any form because of sex, and equally distribute the responsibilities and privileges of American citizenship among all citizens. In my opinion, this legislation represents a long overdue and necessary addition to the 14th amendment.

I feel that to embellish this resolution with amendments that would destructively limit its effectiveness would in practice reduce it to a most vulnerable position, and would once again allow loose and discriminatory interpretation of the 14th amendment.

House Joint Resolution 208 as introduced insures that women can no longer be "protected" from promotion, job limitation, and full and equal social security and insurance benefits. It also insures that men will have equal rights in matters such has divorce, and child custody cases.

If the so-called Wiggins amendment is added to House Joint Resolution 208, we will once again have to necessarily revert to the practice of placing the burden of interpretation solely on the Federal, district, and supreme courts, whose decisions, in my opinion, because of a lack of explicit legislation, have often proven to be discriminatory in cases concerning equal rights of women.

Mr. Chairman, if the action we take here today is to strengthen and improve the Constitution of the United States, then we must pass this amendment in its original form. This will insure all American citizens their equal rights and responsibilities under the law.

Mr. ROY. Mr. Chairman, the first women's rights convention was held in Seneca Falls, N.Y., in 1848. The women in attendance demanded an end to the "absolute tyranny" of men over women, and asked specifically for laws enabling a woman to vote, to own property, to defend herself against abuses in marriage, to earn a living in the professions, and to attend college. Progress in this regard has been slow. Today, 123 years after the Seneca Falls Convention, and 47 years after the first introduction of the Equal Rights Amendment in the House of Representatives, we are on the verge of passing a constitutional amendment which, when ratified by three-fourths of the States, will make equality between the sexes a constitutional guarantee.

Yes, progress has been slow. Throughout the years, our society has perpetuated the traditional roles which have been assigned to men and women, which have been traditionally assigned to women by men. As Samuel Johnson asid:

> A man is in general better pleased when he has a good meal than when his wife talks Greek.

These traditional roles have resulted in psychological strain on women, and perhaps worse, in creative waste.

There are two types of working women in the United States today—those who work in the home, and those who are part of the labor force. For many years, prior to the publishing of Betty Friedan's book, "The Feminine Mystique" in 1963, the first group of women were considered to have it made according to the values of our culture—for example, they have the security of a home, a husband, and children. But it has become more and more evident that America's homemakers are not fulfilled, but frustrated.

Working women in the labor force have been no better off, being faced with such frustrations as low wages, boring work, and slim chances for advancement. In their work, most women serve others—typing, filing, cleaning—and are paid less than the few men doing the same work. Women in the United States make 60 cents for every dollar a man makes and often rise in salary only to the point at which a man starts. Women are the nurses not the doctors; the secretaries not the managers; they seldom occupy decisionmaking or policymaking roles. Forty-three States have "protective" laws which limit the number of hours a woman can work—generally to 8 hours per day. This legislation serves to prevent women from earning overtime pay and promotions to jobs requiring overtime.

Yes, progress has been slow. From the time our children are very young, they are indoctrinated into their proper roles. Girls play with dolls, dress them, cook for them, serve their meals, care for them when they are sick. Boys build houses, drive trucks, and play baseball. Girls serve cookies in school while boys raise the flag. Girls get nurse kits when they are young; boys receive doctor kits. It is not surprising, then, that 98 percent of all nurses are women, yet only 9 percent of all physicians are female.

In school, children daily read such stereotyped statements as "Boys invent things; girls use things boys invent." We have eliminated Little Black Sambo from schools, why not "Dick and Jane"?

Girls are programed to fail, because it is not ladylike to be bright, to compete, to succeed. Traditionally the only thing a girl cares to succeed in is attracting and keeping a husband. As Dr. Grayson Kirk, former president of Columbia University, put it:

> It would be preposterously naive to suggest that a B.A. can be made as attractive to girls as a marriage license.

Women who decide to obtain a higher education have been thwarted in many ways. Many schools, particularly graduate schools, admittedly discriminate against women because of their sex. Women applicants to medical schools have increased 300 percent in the last 36 years; men applicants have increased only 29 percent. Yet during that time, the proportion of women accepted has fallen and that of men has risen. Of 25 medical schools questioned in 1969, 19 admitted they accepted men in preference to women unless the women were "demonstrably superior." Women have not been treated equally in the United States.

Progress has indeed been slow. Bright women—including those with degrees—are discriminated against. Women college graduates in English applying for jobs are given typing tests; men college graduates in English are given aptitude tests to find out where they can fit in with the management. Women are 51 percent of the population, 53 percent of of the electorate, and 35 percent of the working force. Yet, 70 percent of all clerical workers are women, 99 percent of all private household workers are women, 55 percent of all other service workers are women, while only 14 percent are employed as professional or technical workers.

My State, Kansas, has no law prohibiting discrimination on the basis of sex. According to one anthology on women's rights:

> The Commission on the Status of Women is demanding an end to sex discrimination in Kansas. According to its spokesman, "As long as things proceed reasonably, Kansas women are going to be non-violent." (But what if legislators continue to laugh at women's efforts and things do not proceed reasonably?)

In Kansas, progress has been very slow.

I wholeheartedly support the equal rights amendment. I do not believe that the day after ratification by the 38th State all sex discrimination will cease, since much of the problem is attitudinal. It should, however, in view of the historic refusal by the Kansas Legislature to legislate against discrimination on the basis of sex, help protect the women of my State against discrimination. It should also help to remove the "protective" laws of 43 States which act to prevent advancement by women. This is a start. It is important that women have a constitutional guarantee insuring equality. Perhaps during the next 47 years, and the next 123 years, progress will be rapid.

Mrs. HICKS of Massachusetts. Mr. Chairman, I hope all of my colleagues will join with me in supporting House Joint Resolution 208, the equal rights amendment, without amendments. Discrimination against women—on the job, in education, in civil and criminal law—is a disgrace to a Nation which has long proclaimed its belief in equality before the law and individual dignity for all citizens.

The woman who cherishes a full-time role as wife and mother will always have an honored place in our society, but I believe that the woman who wants more is entitled to develop the full extent of her capabilities without the demeaning drag of discrimination.

Passage of the equal rights amendment is essential if we are ever to achieve full legal, social, and economic equality for women. The courts have denied women the protection of the 14th amendment, and legislative attempts to secure equal treatment for women will inevitably be piecemeal and tardy. There should, furthermore, be no restrictions on the simple principle that "equality of rights under the law shall not be denied or abridged . . . on account of sex." To amend the amendment would weaken it and render it virtually meaningless.

The two main objections to the equal rights amendment in its original form in recent years have been the aversion to the idea of women being drafted for service in the Armed Forces, and fear of the loss of protective labor legislation for women.

There are several things to be said about the fear of subjecting women to the draft. In the first place, there is no reason why women should not carry equally the burdens as well as the rights of full citizenship; indeed, most are willing and eager to do so. Second, just as there are many legitimate reasons for exempting men from the draft, there will be equally good reasons for exempting women, and among these would doubtless be marriage and family responsibilities.

Finally, it is an absurd scare tactic to summon up images of girls slogging through rice paddies with M–16's and full 60-pound packs strapped to their backs. Even in Vietnam, the number of men involved in active combat is a small percentage of our forces. There are any number of roles in all branches of the Armed Forces which could very well be carried out by women—in personnel, supply, intelligence, communications, and other fields as well as the secretarial and nursing jobs to which they have traditionally been limited.

As for the protective labor legislation, it is well known that in recent years such regulations have primarily been used as a cover to prevent women from competing for jobs which they are qualified to fill.

Any such regulations should either be extended to men as well, or they should be eliminated. The passage of the equal rights amendment would not force

working women into harsh or inhuman jobs; rather, it would permit them to apply for any job, and to be judged on the basis of their qualifications, mental and physical, rather than their sex.

In one form or another, the equal rights amendment has been before Congress since 1923. Both major political parties have included it as part of their platforms since the 1940's. To delay any longer will encourage and perpetuate discrimination against women, and allow conditions to continue which are repugnant to our long-standing constitutional principles.

Mr. SCHEUER. Mr. Chairman, it is essential that this Congress pass the equal rights amendment. To fail to do so would be intolerable. Women are a majority in this country. Yet they are denied full equality. One need only look to family law, military law, labor law, or education law to find flagrant examples. We have State laws that require married women, but not married men, to obtain court permission before they engage in an independent business. Laws place special restrictions on the legal status of married women and on their right to establish a legal domicile. We have dual pay schedules for men and women teachers in public schools, and even laws in some States which prohibit women from working in certain occupations. There are laws restricting the hours which women can work, and sex-based exemptions from jury duty. We have laws and practices operating to exclude women from State colleges and universities. We cannot continue to call our country democratic while continuing to refuse to grant equality to a majority of our citizens.

I reject the presumption that sex can be a reasonable legal classification. Laws which confer benefits must be extended to both sexes, and laws which restrict opportunities must be declared unconstitutional. This might be accomplished through piecemeal legislation, but that is not an adequate substitute for fundamental constitutional protection. We must articulate a national policy by adopting an amendment to our Constitution; an amendment which will give women an effective weapon against legal, economic, and social injustice.

We cannot qualify this amendment; we cannot cripple it by adding sections which allow discrimination and condescension under the guise of protection. We must act boldly and clearly and say that "Equality of rights of any person under the law shall not be denied or abridged by the United States, or any State, on account of sex."

The elimination of all remnants of sexual inequality and discrimination in this society will not be easy. The problems are many and their solutions will have to be varied and complex. But women have been forced to wait too long and we must now provide a constitutionally mandated change.

Mr. HARRINGTON. Mr. Chairman, I rise in support of House Joint Resolution 208 without amendment.

At this point in our history, continued retention of any statutes or general policies which discriminate against or in any way restrict the mobility of women is insupportable. Obviously, an amendment to the Constitution unfortunately cannot eliminate those attitudes which work so effectively to the disadvantage of women. But it can abolish their legal effects. The purpose of this amendment is to do this and to establish the doctrine of equal rights for women as a matter of national policy. To be as effective as necessary, the amendment should be presented in as uncompromising terms as possible. Qualifying the principle only provides a means to negate or circumvent the original purpose, and lessen the proposal's impact.

The second section of this proposal should therefore be omitted. This section only detracts from the logic of the first. For the principle of equal rights to mean anything, women must be subject to the same requirements as men. This then would mean that women under this principle should become eligible for the draft, and, as the next step, available for combat. Since it is now national policy to phase out the draft, however, there is little reason to alter this amendment on that ground. And in the interim period, the principle that members of the Armed Forces are used according to their basic ability alleviates the possibility that women will be sent into combat. The Israeli Army—hardly an example of military ineptitude—demonstrates that women can be quite usefully and sensibly employed in the Armed Forces.

Allowing the underlying principle to be compromised as it is in section 2, in order to avoid what some consider to be a potentially unpleasant byproduct which actually has little chance of being realized, does not make sense. In effect, this section provides an enormous loophole for circumventing the basic proposition. This should not be permitted. The amendment should be adopted in its original form, omitting the second section.

In conclusion, Mr. Chairman, to continue to allow so much of the enormous talent and potential which the women in this country represent to be frustrated because of certain prejudices is totally inconsistent with the theory of American democracy. To pass this amendment, without section 2, is the beginning of the end of what otherwise is a national disgrace.

Mrs. REID of Illinois. Mr. Chairman, as a sponsor of a companion resolution, I rise in support of House Joint Resolution 208 as originally introduced.

For 47 years the women of the United States have come before Congress to petition for an amendment to the Constitution which would guarantee them not only full equality under the law, but their full responsibility and dignity as American citizens. For 47 years this amendment has failed to pass—either because of the outright refusal to recognize the need for it, or because of nullifying language attached to it. This year we have the opportunity to demonstrate that the legislative process—although slow and deliberate—can respond when the proper time arrives.

Let me say at the outset that I personally have not felt that I have been discriminated against, but I do know there are and have been many instances in all walks of life in which women have been unfairly denied their full constitutional and legal rights in this era when our Nation is dedicated to the principle of equal rights for all. The most compelling argument in favor of an equal rights amendment is the need to establish a clear legal status for women, so that they may act to end the discrimination against them in our courts, schools—particularly in higher education—and job markets.

In my judgment, the majority of American women are not seeking special privilege but they do want equal opportunity, equal responsibility, and equal protection under the law. It is for this reason that most women do not support the qualifications included in the committee amendments exempting women from military service and sanctioning any and all State and Federal laws which discriminate on the basis of sex provided only that they had some reasonable relationship to health and safety. The basic concept of the original text—"Equality of Rights under the law shall not be denied or abridged by the United States or by any State on account of sex"—embodies a moral value judgment that a legal right or obligation should not depend upon sex but upon other factors—factors which are common to both sexes. In regard to State protective laws concerning employment of women, the pattern of existing measures shows there is no consensus of what is needed protection for either men or women. It would seem to me that those laws which confer genuine benefits to women can and should be extended to men under the equal rights amendment.

An abiding concern for home and children should not restrict the freedom of women to choose the role in society to which their interest, education, and training entitle and qualify them. But this legislation is more than an effort to insure equal rights for women for it would impose upon them as many responsibilities as it would confer rights. I believe this objective is desirable. For instance, while it would guarantee women and girls admission to publicly supported educational institutions under the same standards as men and boys, it would also require women to assume equal responsibility for alimony and child support within their means as is the standard applied to men. Women presently bear these responsibilities in some States, but not in all. It would also require that women not be given automatic preference for custody of children in divorce suits. The welfare of the child would become the primary criterion in determining custody.

Once the equal rights amendment has been passed and ratified, the burden of proving the reasonableness of disparate treatment on the basis of sex would shift to the Federal Government or the States, whereas presently the burden is on the aggrieved individuals to show unreasonableness. On the other hand, the mere passing of the amendment will not make unconstitutional any law which has as its basis a differential based on factors other than sex. It will, in the broad field of rights, eliminate discrimination in that it will make unconstitutional any

laws providing disparate treatment based wholly or arbitrarily on sex.

As I have said, the equal rights amendment has been debated for 47 years. Certainly during this time most questions should have been answered. It is my hope that House Joint Resolution 208 will be approved as originally introduced and that it soon will be considered by the Senate and submitted to the States for ratification. Women campaigned 74 years to obtain the right to vote. Let us insure that they will not have to wait two, three, or four times that long to obtain an even more fundamental and essential right—the right to be viewed as individuals under the law.

Mr. WIGGINS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.J. RES. 208

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"SEC. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"SEC. 3. This amendment shall take effect two years after the date of ratification."

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 2, after the word "rights" insert the following: "of any person."

Mr. EDWARDS of California. Mr. Chairman, I ask unanimous consent that debate under the 5-minute rule on the first committee amendment and all amendments thereto be limited to 30 minutes, to be equally divided and controlled by the gentleman from California (Mr. WIGGINS) and myself.

And I further ask unanimous consent that debate on the second committee amendment, and all amendments thereto, be limited to 1 hour, to be similarly divided and controlled by myself and the gentleman from California (Mr. WIGGINS).

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. HALL. Mr. Speaker, I object.

The CHAIRMAN. Objection is heard.

Mr. EDWARDS of California. Mr. Chairman, I move that the committee do rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 208) proposing an amendment to the Constitution of the United States relative to equal rights for men and women, had come to no resolution thereon.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on House Joint Resolution 208.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR COMMITTEE ON EDUCATION AND LABOR TO FILE A REPORT ON H.R. 7248, AMENDING THE HIGHER EDUCATION ACT OF 1965, AND OTHER EDUCATION ACTS, UNTIL MIDNIGHT, FRIDAY

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor have until midnight Friday, October 8, 1971, to file the committee report on H.R. 7248, to amend and extend the Higher Education Act of 1965, and other acts dealing with higher education.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DISCHARGE PETITION ON CONSTITUTIONAL AMENDMENT OUTLAWING BUSING TO ACHIEVE RACIAL BALANCE

(Mr. ABBITT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ABBITT. Mr. Speaker, a discharge petition has been filed on House Resolution 610 which has for its purpose the bringing before the House of Representatives the constitutional amendment outlawing busing to achieve racial balance.

This is a vitally important matter. It should receive first priority of every Member of the Congress. The whole issue of school assignments has come to the point where the technicalities of where a child goes to school is receiving far more official attention than what the student learns after he gets there. The Federal courts have made a mockery of our system of education by undermining the authority of the educators to educate, the administrators to administer, and the students to learn in an atmosphere of peace and tranquillity.

A vast number of the Federal judiciary have arrogated unto themselves powers over our schools and schoolchildren that they never have had under the Constitution nor was it ever intended they should have. They have set themselves up to preside over the education of the children of America, much to the great detriment of public education. We have seen—almost—a Federal oligarchy take over the assignment of schoolchildren to achieve racial balance. This must be stopped if public education as we know it is to survive. If the youth of America is to be educated properly, we must have a constitutional amendment prohibiting the Federal judiciary and HEW from further wrecking the public schools and the public educational system of America.

The constitutional amendment is very simple. It simply provides that no child shall be assigned to a school because of his race or color and, of course, that no child shall be bused to a distant school to achieve racial balance. There is no hope other than an amendment to the Constitution. I call on the people of America to support the efforts of those of us who are trying to get submitted to the people the question of outlawing the busing of our children to achieve racial balance. We must have the help of all of our people in demanding that the Members that represent them in the House of Representatives and in the Senate sign the discharge petition bringing this matter before the House of Representatives and the Senate for consideration. So far the Judiciary Committee, acting through its chairman, has refused to even have a hearing on this amendment which is so important to our people. The only hope is by a discharge petition. We must have 218 Members sign this petition so we can bring it to a vote, merely to submit it to our people for their consideration. We must do this before the Federal courts and the Federal bureaucracy further downgrade our educational system. Public education is too valuable a commodity in America for it to be sacrificed on an altar of political expediency or disfigured by ill-advised philosophies.

Mr. Speaker, I feel that it is vital that this matter come to the floor of the House as soon as possible, because protracted delay can only mean more confusion in an already very complicated hodgepodge of court decisions and HEW directives which is causing chaos throughout America. I strongly urge those Members who are concerned about the future of public education to sign the discharge petition and thereby hasten the time when this matter can be given a full airing.

We are facing a crisis in America's schools which neither Federal money nor political rhetoric can diminish. It matters not how many billions of dollars in Federal funds are poured into our schools if the basic fabric of public education is being destroyed by insistence on achieving racial percentage balances to the detriment of everything else.

For the past decade Congress has watched in frustration while the Federal courts and the Office of Education have established a patchwork pattern of compliance on the question of overcoming racial imbalance in the public schools. We all are aware that things are not working out; that HEW has far exceeded congressional intent; that the Justice Department has moved with inconsistent strides; and that the Federal courts have created an atmosphere of fear and frustration. Some Federal judges have arrogated unto themselves powers which they were never intended to have. They have sought to become unofficial school superintendents—having dictatorial power over the schools but bearing none of the responsibility for the results of their labors.

If there is a national policy today on the question of overcoming racial imbalances, it is certainly not clear to the majority of the Members of Congress or to the public at large. The President says one thing and HEW says and does another. The Justice Department presents one position in court and yet allows HEW to go far adrift in contravention to its established policies. The lower Federal courts appear to have opened up countless uncharted paths and the Chief Justice has intimated publicly that some of these decisions may have been based on misinterpretations of the Supreme Court in the Charlotte-Mecklenburg case.

Meanwhile, the tragedy of public school degeneration goes on its merry way. School officials are having to spend far more time on court appearances and complying with HEW directives than they do on the day-to-day operations of the educational program. They are unable to plan with any assurance and the system of legal uncertainty in which they operate has a retarding effect on everything they do. Most school superintendents are trained to educate and it must cause them anguish and bewilderment in not being able to do that for which they have been trained.

Many of these pitfalls were openly predicted on this floor when some of the civil rights legislation was being debated. Time and time again warnings were given that it would be impossible to regiment the school systems from Washington—especially when such regimentation was almost exclusively aimed at one section of the country. However, many of the problems which we are experiencing today were never envisioned by opponents or proponents. Many of these situations were created by contradictory positions taken by the Federal courts and the bureaucrats in the Office of Education.

Those who have been charged with achieving percentage balances have often disregarded the total effect on the school systems and in some instances Federal judges have reached down to the classroom level to assure that racial balances would be carried out the way they have decreed.

The principal instrument for achieving this unnatural pattern has been through busing. This costly surrender to the ridiculous has created a monster which we may never be able to control. Although its effects have so far been felt primarily in the South, it has reached into Pontiac, Mich., San Francisco, and other places with disastrous effects. Those the North and West who have been most vocal in their opposition to busing might consider seriously what will happen when HEW runs out of places to intimidate in the South. Are the army of bureaucrats likely to then fold up their tents and go off the public payroll? Obviously not. They will then turn their attention to other places in the country where racial imbalances are even more evident than they have been in the hardhit sections of the South.

This is the reason why I urge a nonpartisan, nonsectional approach to this problem. There are members here from other sections of the country who are deeply concerned about what is happening. They know full well that this mass busing of students is contrary to all the laws of practical education and health concern.

Why, then, is there reluctance to face this issue headon? Why should Congress sit back and passively watch its intent defied by over-zealous Federal judges or anonymous HEW bureaucrats? If this defiance were being fostered by those who sought to prevent integration of the schools, it would be one thing; but this preoccupation with percentages and artificial goals can defeat the progress of public education which has been achieved under the administration of both major parties.

We are now trying to achieve a procedural objective—to get the resolution to the floor for a vote. Certainly, there is more than ample evidence that the public considers this a major issue, if not the most important problem of today. We cannot hide it simply by refusing to discuss it. The issue will not go away simply by wishing it so. Meanwhile, Health, Education, and Welfare directives are pouring out by the dozens, Federal judges are contemplating new edicts and the schoolchildren are bearing the brunt of the load.

I call upon Members of the House to seriously consider the problem before us. I plead that reason triumph over politics and that we be willing to admit the dangers of continuing to pursue the present course of action.

Unless Congress acts on this question, I am afraid that we will continue to go aimlessly down the path of misfortune and the road back—if it ever comes—will be much more difficult. It is no more possible to run the schools from the Federal courts than it is from the cloistered inner sanctums of HEW offices, but when one arm of the government points one way and another arm is giving conflicting directions, the schools are caught in an impossible situation.

There must be a better way and I call upon Congress to exercise its function and call a halt to this ridiculous situation.

FREE LUNCHES OR FREELOADERS: WHICH IS IT?

(Mr. RONCALIO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, recently the county school district No. 1 board of trustees of Washakie County, Wyo., passed at a regular meeting a resolution of more than ordinary significance for all of us. I am happy to state that the resolution follows and is supported fully by Mr. Bill Lucas, the principal of North Side and West Side schools in Worland, Wyo., and by Mr. Roger Youtz of the Worland school district, as well as by Mr. John H. Seyfang, superintendent of the school district at Worland, Wyo.

This resolution was passed to call attention to the fact that the board is not opposed to free lunches, but feels there should be some responsibility attached to free lunches. To me the most important message in the material is the fact that we have lost some basic concept of our system of government and of our civilization itself when a mode of life which encompasses rudeness, discourtesy and offensiveness takes the place of the basic requirements of good manners and gentility and common courtesy that have always governed the ways of civilized people.

It has been traditional in my life in Wyoming that "manners and knowledge maketh the man." I wonder sometimes what the product of the system is that turns out one who is deficient in both.

This concern stems from the free lunch program in the schools of Wyoming. I think we are all in accord that any program that feeds children who are undernourished or starving or hungry is beneficial but we cannot help but ask if there ought not be some corollary to an act of responsibility by those who receive this food. For example in one junior high school, there are 41 on free lunches. Of this number, only 7 have volunteered to help serve or work in the kitchens. The remaining majority of 34 are either embarrassed or downright rude and offensive when they come through a lunch line. Some demand their lunch ticket, and tease and provoke those remaining who work, or indeed those few who are not eligible for free lunches.

The problem is how to keep from raising parasites. We need to teach our children the worth of work and the privilege of accomplishment and I think that we must consider removing the clause from the lunch program orders that would prohibit a child from working when there is work around the school that needs to be done.

The resolution follows:

Whereas the Federal Hot Lunch Program has established rules and regulations for the allowing of free meals to students, and,

Whereas these rules and regulations allow students to receive something for nothing with no responsibility, and,

Whereas student attitude now indicates that politeness is a thing of the past, merely demand and you shall receive, and,

Whereas obligation is a thing of the past, of our own experience, students now indicate they have the laudable call in life to become a welfare recipient, and,

Whereas the education of children should entail education in the idea that reward is granted by hard work and responsibility and that pride and accomplishment is taught by teaching responsibility,

Be it therefore resolved that the National Congress and Federal Bureaucracies consider the American attitude and reconsider the rules and regulations for free lunches, allowing students to be required to serve in lunch lines or do some token work that teaches responsibilities for services received.

Be it also resolved that a copy of this resolution be made a matter of record of the minutes of the Washakie County School Dist. #1 Board of Trustees, that it be sent to Senator McGee, Senator Hansen, Representative Roncalio, Rep. Carl D. Perkins, Governor Hathaway, Dr. Robert Schrader, Wyoming School Boards Association, National School Boards Association and Wyoming Association of School Administrators.

Reasons: 1. We can point out instances and identify students that now feel free lunch is a right and not something to be earned; students that as a result of free lunch pro-

gram indicate their call in life is a welfare recipient.

2. We are in favor of serving free lunches to needy children, but we feel that this is part of the educational program that they also have a responsibility that needs to be taught, not only to the receiving of school lunch, but a responsibility to the American way of life which we believe is not a welfare state.

3. Experience of our personnel in schools this year in administering this program has resulted in abusive language to our supervisory personnel. Parents of welfare children have used abusive language to same personnel. Also free lunches have been granted to people with large families who have chosen to raise these large families now finding the public should subsidize these children under standards set forth by the free lunch program.

4. From actual experience, some parents from low income have had enough pride that they have chosen to make sacrifices to pay their own way. Their children have accepted responsibility for working out their meals and these young people are much better adjusted socially, proving our contention that something for nothing attitude is not the answer.

PROVIDING TUTORIAL AND RELATED INSTRUCTIONAL SERVICES FOR HOMEBOUND CHILDREN

(Mr. BADILLO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BADILLO. Mr. Speaker, I am pleased to introduce today, on behalf of myself and 72 other Members of the House an amendment to the Education of the Handicapped Act to provide tutorial and related instructional services for homebound children through the employment of college students.

Approximately 1 million youngsters in our Nation fall into the category of the homebound handicapped. These children, for varying lengths of time, are unable to attend school. As a consequence, they suffer academically and emotionally. A considerable portion of those who are eventually enrolled into regular classes experience all the difficulties of children coming from a deprived background—poor social adjustment, academic difficulties, emotional problems.

In some parts of our Nation handicapped youngsters enjoy more academic advantages than in others. There are localities that provide for 5 or more hours of home instruction weekly. In other cases, however, children receive a scant hour a week, and some educational agencies, due to lack of funds, have been unable to make an assessment of their needs.

I have discussed with many State educational officials my intention to introduce legislation providing financial compensation to qualified college students, of their choosing, who could act as home tutors for these youngsters. Forty-eight States have responded to my proposal and have supplied me with suggestions that I have incorporated into the bill we are introducing today.

I am grateful to my colleagues for the interest they have shown in the plight of these youngsters. I want to express my appreciation for the truly bipartisan response I have received and would like to take this opportunity to request the support of all the Members of the House for this very necessary legislation.

For the information of my colleagues, I am inserting here the full text of the bill and the list of the cosponsors:

H.R. 11132

A bill to amend the Education of the Handicapped Act to provide tutorial and related instructional services for homebound children through the employment of college students, particularly veterans and other students who themselves are handicapped

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Education of the Handicapped Act (20 U.S.C. 1421–1426) is amended by adding at the end thereof, a new part II, as follows:

"Part H—USE OF COLLEGE STUDENTS AS TUTORS AND INSTRUCTIONAL ASSISTANTS FOR HOMEBOUND CHILDREN

"AUTHORIZATION OF PROGRAM

"SEC. 671. (a) The Commissioner is authorized to make grants to State education agencies to enable them to develop and carry out programs, at their and at local educational agency levels to provide, through the use of students in institutions of higher education, tutoring and instructional assistance, under the supervision of a qualified teacher, for homebound handicapped children who, though able to benefit from preschool, elementary, or secondary education, are prevented by their handicaps, by lack of facilities, or because they experience special difficulties when in school, from attending school. Homebound children for whom services under this part may be provided include but are not limited to those as defined under section 602, paragraphs (1) and (15), and such services may be provided to children who are homebound for short or long terms.

"(b) For a local educational agency to receive assistance under this part from a State education agency, it shall make a proposal to the State educational agency for a tutorial or instructional assistance program to be carried out through a cooperative arrangement with one or more institutions of higher education. The local educational agency shall give assurances that:

"(1) in selecting students to participate, (A) special consideration will be given to veterans qualified for vocational rehabilitation under chapter 30 of title 38, United States Code, and to other handicapped students (provided in either case that their handicaps do not make their working with homebound children ineffective); and (B) among students otherwise equally eligible to participate in the program, preference will be given to those having greater financial need,

"(2) the program will be administered by the local educational agency in accordance with its rules and regulations relating to homebound instruction, and

"(3) participation in the program will not interfere with the academic progress of participating students,

"(4) compensation paid to participating students will be set by agreement between the local educational agency and the student's institution, the maximum to be established at the direction of the Commissioner. In no case shall the compensation be established below the prevailing minimum hourly wage,

"(5) funds will be used in such manner as to encourage equipping the homebound handicapped children for eventual full assimilation by society, with every effort to avoid development of a segregated, permanent system of education for the handicapped.

"(6) Federal funds made available under this part will be so used as to supplement and, to the extent practical, increase the level of State, local, and private funds expended for the education of handicapped children, and in no case supplant such State, local and private funds.

"APPLICATION

"SEC. 672. (a) The Commissioner shall make grants under this part to State educational agencies on the merits of their proposals to him which shall be submitted on such application forms and under such guidelines, as he shall prescribe. Proposals shall contain, among other information as required by the Commissioner (1) all data from local education agencies' proposal to the State, as is required to support the total amount of funding requested by the State; (2) the State's detailed plans for conducting, or providing for the conduct of, evaluation of the program supported under this part; and (3) the State's detailed plans for locating and identifying all of its homebound children who could benefit from this program.

"(b) An amount not to exceed 10 per centum of the total funds awarded to a State under this part shall be available to the State for it and its local education agencies to administer the program.

"AUTHORIZATION OF APPROPRIATION

"SEC. 673. There are hereby authorized to be appropriated $55,000,000 for the fiscal year ending June 30, 1973, and such sums as may be necessary for fiscal year ending June 30, 1974 and for fiscal year ending June 30, 1975, for carrying out the provisions of this part.

"ALLOTMENTS TO STATES

"SEC. 674. All of these sums shall be granted at the discretion of the Commissioner; however, the Commissioner shall set aside 25 per centum of the total appropriation and preliminarily allocate (but not automatically grant) to each State (as defined by Sec. 602(6)) an amount which bears the same ratio to such amount as the number of children aged three to twenty-one, inclusive, in the State bears to the number of such children in all the States. The Commissioner shall approve or disapprove applications from the States, and any funds preliminarily allocated to a State whose application is disapproved, or which fails to file timely application, shall be added to, and be included for distribution under, the remaining 75 per centum of the funds. The Commissioner shall not disapprove any State's application until he has offered and (if the State accepts his offer) provided technical assistance to that State in an effort to bring that State's application to a level of approvable quality, so that the State may then be granted its proportionate share of the 25 per centum set aside, and, if then applicable, an appropriate portion of the remaining 75 per centum."

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WEST VIRGINIA
Hon. Ken Hechler, M.C.

THE CONSTITUTIONAL OATH SUPPORT ACT

(Mr. ICHORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ICHORD. Mr. Speaker, I have today jointly with the distinguished gentleman from North Carolina (Mr. PREYER) introduced a bill titled "The Constitutional Oath Support Act." It is the purpose of the bill to remedy several deficiencies which have been revealed in oversight hearings undertaken by the Committee on Internal Security into the administration of the Subversive Activities Control Act and of the Federal civilian employee loyalty and security program. As I stated at the beginning of the hearings, it is time to "fish or cut bait." The Subversive Activities Control Board should either be given something to do or it should be abolished.

The proposed measure we introduce today, not only abolishes section B, it repeals the Subversive Activities Control Act of 1950. This act, as you know, has been the subject of much attention during recent years. It may come as a surprise that we should seek to repeal it, but I would hasten to point out that, although the bill would repeal the Subversive Activities Control Act, it would establish in its place a new and, we believe, a more effective and useful program for coping with certain activities which, unless controlled, are capable of doing great damage to our free political system.

Procedures are established by the bill to assure that the oath or affirmation to support the Constitution, required of Federal officers and employees by explicit provisions of the Constitution—article VI, clause 3—and by statute—5 U.S.C. 3331—shall be taken in good faith. These procedures are intended to provide a means for assuring that only such persons as are loyal to the Constitution, disposed to maintain it against all enemies, foreign and domestic, and committed to the efficient execution of their duties, are employed by the Government of the United States. In aid of this purpose, the bill lays down an employment standard that will enable employing officers intelligently to make the determination that prospective governmental servants will in good faith support the Constitution of the United States.

Preappointment investigations of applicants for Federal employment are required, the scope of the investigation being determined by the "sensitivity" of the position. Inquiry with respect to membership in, and association with, certain organizations is authorized by the act, and a commission is established to make determinations of the character of such organizations under procedures fully conforming with the requirements of due process. It is made clear that such inquiry is not intended to punish organizational membership or to restrict the liberties or rights of association, assembly, and speech. The inquiry is limited to a purpose of adducing relevant and material evidence in relation to a proper standard and a permissible objective of Government; namely, to assure that those persons are employed who will, in fact, "support the Constitution." The bill thus accords with the latest and most restrictive pronouncements of the Highest Court on this subject. See *Law Students* v. *Wadmond*, 401 U.S. 154 (1971); *Lerner* v. *Casey*, 357 U.S. 468 (1958); and *In re application of Walter Marvin, Jr.*, 53 N.J. 147 (1969), cert. denied October 31, 1969.

Obvious failures in the administration of the Subversive Activities Control Act have been a matter of concern to the Congress within recent years. As a consequence, the funding of the Subversive Activities Control Board, a quasi-judicial agency established by the act, has been a subject of controversy both within and without the Congress. Likewise, a June 4, 1969, decision of the Federal district court which voided the Hatch Act loyalty oath provisions, in the case of *Stewart* v. *Washington* (301 F. Supp. 601), has left the whole problem "up in the air." The committees' investigation, thus prompted, was initiated in the 91st Congress, and was continued into the 92d through a subcommittee chaired by the gentleman from North Carolina. He has examined the practices and procedures of all of the Cabinet departments and major independent agencies of the Government. The hearings to date comprise three volumes, two of which have been published. A third will be available shortly. Indeed, I regard the gentleman as one of the most knowledgeable in the Congress on the subject.

Three major issues were involved in the course of the hearings: the first was the question of the repeal or retention of the Subversive Activities Control Act of 1950. You will recall that it was a purpose of this act to make public the identity, purposes, and mode of operation of Communist organizations within the United States. To this end a duty was imposed upon the Attorney General to bring petitions before the Subversive Activities Control Board, a quasi-judicial agency established by the act, which would have the function of making public determinations as to the character of organizations alleged to be Communist in the categories—action, front, and infiltrated—as defined in the act. As everyone knows the act has not been zealously enforced. In fact, many of its provisions have been voided by the courts. We suggest that the act should be repealed.

While recommending a repeal of the act, we recognize a need for the establishment or maintenance of a board or commission to make determinations, within a due-process framework, of the character of organizations. However, we do not regard it as necessary, or even desirable, that such determinations be made solely for the purpose of public disclosure in the context of the Subversive

Activities Control Act which we submit has proven to be unenforceable. Such a board or commission, however, should be maintained for the purpose of establishing a guide, hitherto a role filled by the "Attorney General's list," as an auxiliary for screening applicants on loyalty and security grounds for employment in Government. Accordingly, the bill would establish the Federal Employee Security and Appeals Commission which will serve that purpose and also serve as an appeal agency for reviewing adverse decisions on application of individuals who have been dismissed from employment on loyalty-security grounds, or under the provisions of the bill.

The second issue was the question of remedial legislation in view of the district court's action in Stewart against Washington which voided paragraphs (1) and (2) of section 7311 of title 5, United States Code. These provisions would deny employment in the U.S. Government to any person advocating the overthrow of our constitutional form of government and to any person holding membership in an organization that he knows advocates such overthrow. These Hatch Act provisions undoubtedly had considerable utility in serving as a device for screening out subversives from employment in the Government, particularly in nonsensitive positions in which full field investigations are not undertaken. Despite the break in the chain of protective legislation resulting from the decision, the Department of Justice chose not to appeal it. The decision, however, appears to reflect some of the recent decisions of the Supreme Court. We would repeal, rather than amend, these provisions. However, in view of the importance of the objective of the provisions, we have written into the bill a requirement of a similar nature, as an aid in the investigative process, by which all applicants for employment in the Government are required to execute a questionnaire with respect to membership in described and specified organizations.

The third issue on which testimony was heard was the question of the maintenance of the Attorney General's list pursuant to Executive Order 10450 in relation to the Federal employee security program. I should point out that this Executive order is the principal basis for the present program. It requires that the employment of persons be subject to investigation so as to determine whether their employment is "clearly consistent with the interests of the national security." This order was, in fact, a revision and expansion of the earlier program established in 1947 by President Truman under Executive Order 9835. It was intended to resolve certain deficiencies in the Truman order and to combine a "loyalty," "security," and "suitability" program. Executive Order 9835 required only "a loyalty investigation" of persons entering civilian employment and established a standard of "reasonable doubt as to the loyalty of the person involved to the Government of the United States." Under both orders, however, the Attorney General was required to designate those organizations which were the subject of inquiry for loyalty or security purposes. No organization has been designated since October 1955.

This measure would follow the principles of disclosure laid down in the Truman Executive order, however, unlike the Truman order it would not have the Attorney General prepare a list but would establish a clearly defined program for the designation of subversive organizations in aid of the administration of the new screening program to be maintained pursuant to the standard provided by the bill. Determinations will also be made by a newly created agency, the Federal Employee Security and Appeals Commission, on application by the Attorney General and, in certain cases an application by the heads of departments or agencies. Moreover, these provisions will provide a basis for the necessary revamping of procedures now maintained pursuant to Executive Order 10450, an order which has evidently failed in some of its objectives. Indeed, in *Cole* v. *Young*, 351 U.S. 536 (1956), an important decision involving the administration of Executive Order 10450, the Supreme Court described the order both as "ambiguous" and "awkward in form."

It is apparent in the record of the committee's inquiry that the order has generated much confusion. In the welter of concepts, including those of "loyalty," "security," and "suitability," it is even clear that a semantic confusion exists and, indeed, no program has yet been constructed to establish a reasoned and logical base for the administration of these aspects of an employment program. The professed effort of the executive to clarify and reorganize the prior Truman order by the promulgation of a combined loyalty, security, and suitability program under a standard of clearly consistent with "the interests of national security" has not proved fruitful. As a consequence many departments and agencies of the Government have adopted no regulations to implement or maintain a loyalty program; many security officers who are charged with the responsibility for executing the loyalty-security program under Executive Order 10450 are confused as to the status of the law and procedures regarding dismissals on loyalty and security grounds; and accordingly, as may be anticipated, decisions of the courts adverse to the administration of the loyalty and security program increase in scope and number. It should also be noted that not one single employee has been dismissed on loyalty and security grounds during the last 5 years.

Despite the obvious confusion surrounding the administration of the order, and despite the deep-seated criticism of the order by the U.S. Supreme Court, it is a fact that over the years since its promulgation, no effort has been made by the Department of Justice to clarify its basic deficiencies. It may be urged, Mr. Speaker, that the executive communication of July 7, 1971, a message of the Attorney General to the Speaker, under which you were advised of a draft bill to give support to a July 2 amendment to Executive Order 10450, will serve this purpose. This message, you will recall, being on a subject within the jurisdiction of the committee which I chair, was referred to the Committee on Internal Security. I regret to say that, in my opinion, the proposal thus forwarded is not directed to subjects which formed the basis of criticism by the Supreme Court or, indeed, to deficiencies revealed in the hearings of this committee.

The draft bill accompanying the Presidential message would simply change the name of the Subversive Activities Control Board by renaming it the Federal Internal Security Board—a change hardly of any significance. Other provisions, however, of some substance would make applicable to proceedings for the designation of subversive organizations pursuant to the July 2 amendment—Executive Order 11605—the subpena, contempt, and judicial review provisions of the Subversive Activities Control Act. This amendment in my opinion, does little more than purport to define expressions hitherto used, such as "totalitarian," "Fascist," "Communist," and "subversive," and will give the Subversive Activities Control Board the function of making Executive Order 10450 determinations rather than the Attorney General. Indeed, the effect of the proposal has not been wholly constructive. It has rather created a storm of controversy on the question as to whether the President by Executive order can enlarge the function and duties of an independent agency which has been the creature of statute and whose duties have been defined by statute. There is serious doubt as to its constitutionality. On the other hand, with respect to the important questions raised in Cole against Young, supra, the message is silent.

Moreover, while the Department would retain the Subversive Activities Control Act, it does so only to utilize the Board for the purpose of making determinations of the character of organizations. This, in effect, is the Attorney General's "list." The Department has made clear that it seeks no amendment of the Subversive Activities Control Act so as to strengthen the function of the Board in fulfillment of the disclosure purposes of the act itself. Thus, for all practical purposes, the Board will cease to operate in aid of its original statutory purpose. Nevertheless, it is apparent that there are possible areas of agreement between us and the Department, principally with respect to the basic concept of establishing a board or commission which will have a function of making determinations in support of the administration of a loyalty and security program.

In light of these facts, it is a matter of disappointment to me that the Department, despite repeated requests made to it by the committee—the first of which was made as early as June 1970, at the commencement of the committee's investigation—refused to furnish any information as to its position. It was only following the July 7, 1971, message to the Speaker, and thus by indirection, despite direct requests, that we learned of the Department's thinking with respect to the subjects of inquiry. The Department had not earlier accepted our effort to engage in dialog on these urgent issues.

Mr. Speaker, I am fully aware that this measure will not be free of controversy. There will be those who favor repeal of the Subversive Activities Control Act and the SACB without setting up the program envisaged by this proposal. There will be others who oppose the repeal of SACB under any circumstances. I am sure that we are all in agreement that something should be done. It is ridiculous to retain a law on the statute books which is either unenforced or unenforceable. Such retention is demeaning to the rule of law. I am not irrevocably wedded to any of the concepts or proposals contained in this measure we introduce today. I am, however, irrevocably wedded to the concept that we should resolve this issue "once and for all." Executive Order 11605 does not resolve the issues. I am sure that the Department of Justice would be the first to so admit. The Department of Justice, however, is to be commended by reason of the fact that at least it did have the fortitude to make some recommendation in this most controversial area. This is the first recommendation in this area to emanate from the Department that I have seen during my 11 years in Congress. However, as I have heretofore stated we have received no proposals from the administration as to how to finally resolve this question. Mr. Robert C. Mardian, Assistant Attorney General, Internal Security Division, Department of Justice, in a recent appearance before the committee declined to express any personal or departmental views on the subject but he did state that the Department would issue an "appropriate response." It is my hope that the administration will meet the issues as forthright as we have met them in advancing this proposal. If the administration is opposed to the enactment of the measure, I would hope that it will come up with an appropriate alternative. If the administration is opposed to certain provisions, I express the hope that it will propose alternative provisions if such are necessary and appropriate. Executive Order 11605 is not such an alternative for the reasons previously stated. Such an approach with the executive and legislative branches working together, I believe, is necessary if the controversial issues involved are to be effectively resolved.

REPRESENTATIVE PREYER OF NORTH CAROLINA JOINS IN INTRODUCING CONSTITUTIONAL OATH SUPPORT ACT

(Mr. PREYER of North Carolina asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PREYER of North Carolina. Mr. Speaker, I am today joining with Chairman ICHORD in introducing the Constitutional Oath Support Act. This act repeals the whole of the Subversive Activities Control Act of 1950 and sets up a new Federal employee security program. Recent hearings before the Internal Security Committee have demonstrated the need for change in our present program. For one thing, the present program is confusing to the agencies and individuals affected. The Supreme Court has described the present program as "confused" and "awkward and ambiguous." It needs to be simplified and clarified. For another, the present program was designed as a response to the cold war period—a simpler period when the source of danger to our internal security was more easily identified. The earlier program was directed at, and phrased in terms of, Russian communism only. Today, security problems not only involve Chinese-oriented communism but "nonideological" radical groups such as the Weathermen.

The most serious security threat remains the existence of the Communist conspirational movements which continue to exploit the institutions of freedom in order to destroy the defense of freedom. The Communist movements operate in coordination with the most powerful states in Europe and Asia, and therefore pose a much more serious problem than the free-floating radical groups like the Weathermen.

But the latter group presents a more difficult problem in designing a security program because they operate in an area where it is difficult to distinguish between dissenters or heretics—whose criticism is essential to the health of a democratic community—and conspirators playing outside the rules of the game. Any security program should concern itself only with the conspirators, the hidden enemies of society, not the dissenters and heretics. There must be substantive due process—by refraining from investigating unpopular ideas—as well as procedural due process. This is easy to state but hard to implement. We are living in a rare period of serious revolutionary movement within the United States. These movements express, often vehemently, their discontent with the present, their desire for change. They challenge the power structure and the "establishment." They use new forms of social expression, such as sit-ins. Many of their statements of objectives and aims, like the SDS manifest, are simply Thomas Jefferson plus four-letter words plus Emersonian, "do your own thing." Most of this unrest falls on the dissenter side of the line and offers no security threat. Other groups go further. Rebecca West has pointed out that "there is nothing spiritually easier than being in opposition." In today's climate, many believe that salvation lies on the left and that "patriotism exists only to have its claims transcended." Such minds turn all too eagerly to groups that put them farther left than anyone else and which regard disloyalty to the country as a positive duty. Treason to them has a certain style, a sort of elegance. Should such people be working for the Government, even in clerical or nonpolicymaking positions?

It offers a great temptation to the establishment—all of us over 30, I gather—to lash out indiscriminately at these groups whose values and aims are totally alien to our experience. Our reaction to these groups' new assertions of what is desirable and good are especially fierce because what now seems wrong to so many people once seemed right to everybody. The dangers to free speech are clear.

But because this is a delicate and sensitive area is not a good reason to ignore it. The new bill attempts to draw the line in terms of the democratic process; no one is a risk to the internal security of the country as a Federal employee so long as he is willing to play by the rules of the game; but kicking over the checkerboard is not simply another way of playing the game. The test that every employee must meet is whether there is "reasonable doubt that he will support the Constitution." This does not eliminate advocating change, demonstrating or marching for change; but it means accepting the constitutional process of change—that is, change within lawful limits, amending the Constitution, not by revolution.

Any expression of concern about security, especially if it comes from the Internal Security Committee, is apt to raise the cry of "hysteria" or "witch hunting." American liberals in the past have been insensitive to ideologically motivated subversion of democratic institutions and processes. This is partly because liberalism has traditionally been our opposition movement sympathetic to any group opposed to entrenched power without paying too much attention to the grounds of opposition. Such liberalism felt itself justified, too, because of an immature conservatism that indiscriminately tagged progressive ideas as "Communists" and so blinded itself to the real article. The confusion was heightened when subversive groups kidnaped the vocabulary of American liberalism and corrupted words like "truth," "liberty," "freedom," and "justice." Sidney Hook remarks that "Security is like liberty, in that many are the crimes that have been committed in its name." The crimes have been committed by both the ritualistic liberals on the left and the cultural vigilantes on the right.

But at this stage in our history it should be clear to all that the systematic effort to undermine our free institutions requires some kind of internal security system. All liberals by now must surely appreciate the great stake they have in the survival of the democratic system, whose defects they can freely criticize under the ground rules of the Bill of Rights—and thus have a great stake in seeing that those ground rules are not abused by subversives. Liberals properly should attack abuses in security programs—but they must recognize the unpleasant necessity of such programs.

Conservatives, for their part, must recognize that absolute security is impossible and that we can pay too high a price in straining to achieve an impossible ideal. The problem is to achieve more security in particular areas of risk and do so in such a way that we do not lose more by the methods we use than by the disasters we present. We must use creative intelligence to protect our free society from its hidden enemies without making less free those who are not its hidden enemies. A key point here is how to handle the nonsensitive and nonpolicymaking position in Federal em-

ployment. Should such positions be exempt from any sort of security check? Or is it not proper to ask whether a Weatherman, for example, can be an effective employee of an organization—the Federal Government—when he is antagonistic to the ends of the organization? How much harm can small fry do with the "paper explosion" in government? The new bill responds to this question by making the nonsensitive position subject to a national agency check but not a full field investigation. We cannot afford the wasteful exercise of having a large group of people proving there is no needle in the haystack.

A problem in security programs in the past is that too often the programs have been administered by those with a police mentality. Sidney Hook has pointed out that a liberal attitude is necessary for the reasonable administration of a security program:

> Just as only those who love children can be trusted to discipline them without doing psychological harm, so only those who love freedom can be trusted to devise appropriate safeguards without throttling independence or smothering all but the mediocre under blankets of regulations.

In this spirit, the present Subversives Activity Control Board is abolished and is replaced by a Federal Employees Security and Appeals Commission. The Commission is not just different in name; it serves an essentially different purpose than the SACB. While the SACB was conceived basically to serve a disclosure purpose, to inform the public generally of the identity and activities of Moscow-controlled organizations, on the other hand, the Commission is intended to serve a limited disclosure purpose in aid of the administration of the Federal employee security program. The function of such a Commission is not to keep an official eye on all Americans but only on Federal employees. Unfortunately, any findings of such a Commission will have wider application. The alternative, however, would be decisions made in the dark by the agencies themselves, the Justice Department or the Civil Service Commission about allegedly subversive groups, with no right of cross-examination and other legal safeguards. It seems better to set out clearly for all to see the qualifications required for Government employment and the procedures to be followed in determining whether the qualifications are met. It should not be necessary to point out that the right to a specific job is not part of the Bill of Rights but depends on certain qualifications. If the qualifications are appropriate and not arbitrary there is no denial of civil rights. Also, the new bill does not automatically deny employment to any Federal employee on the basis of membership alone in a subversive organization.

Striking the balance between security and personal freedom is a difficult task. I am not sure this new bill strikes it properly. I am sure that it represents an improvement over the present system. Let us discuss this bill and attempt to improve it, with commonsense and without shouting the slogans of freedom or security. On balance, there should be no irreconcilable conflict between the legitimate demands of national security and the freedom of the individual. It is important for our social health that we reach a fair resolution. Rebecca West has pointed out that the worst offense of Maclean and Burgess in England was "the spreading and degrading cloud of doubt their flight engendered. It followed that suspicion often fell on people who were innocent." Similarly, in this country the source of much of Joe McCarthy's support was the apparent indifference to national security on the part of those in authority. A fair and effective security program can prevent this sowing of mistrust in our society.

As Rebecca West concludes in "The New Meaning of Treason"—

> If we do not keep before us the necessity for uniting care for security with determination to preserve our liberties, we may lose our cause because we have fought too hard. Our task is equivalent to walking on a tightrope over an abyss, but the continued survival of our species through the ages shows that, if we human beings have a talent, it is for tightrope walking.

THE HONORABLE RICHARD H. POFF OF VIRGINIA

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAGGONNER. Mr. Speaker, RICHARD POFF is a great American, who, by today's standards, has had the misfortune of being from the South. He is a man of integrity and character; a learned man with a strong sense of judicial fairness, well-versed in the law and a firm believer in upholding the written word of the Constitution. In short, RICHARD POFF is a man eminently qualified to sit on the bench of any court in the land, including the Supreme Court of the United States.

But because RICHARD POFF is not someone who has attempted to placate special interest groups—and you here know who I am talking about—and because RICHARD POFF has not yielded to the demands of the fringe element of the liberal establishment and has not become actively engaged in so-called civil rights activities, and because he is a southerner, RICHARD POFF will never be a member of the Supreme Court. In fact by the standards which some subscribe to today an angel would have a pretty poor chance of ever becoming a member of the Supreme Court.

Something is terribly wrong with our system when a person of RICHARD POFF's qualifications cannot be a member of that Court.

I wish someone would tell me, for example, why the American Bar Association has to be consulted every time there is a vacancy on the Court? I have not found anything in the Constitution which says the ABA has any advise and consent authority over presidential nominations.

I think the time has come in this country when we should consider a person's qualifications without basing it on civil rights, or disqualifying someone because he is from the South, but for those qualities which would make for a good judge. I would like to know why in this country southerners are considered to be less of a citizen or any less of a person merely because he has had, in the misguided opinions of some, the misfortune of being born and having lived in the South.

We hear a lot of talk these days about discrimination. But I know of no worse discrimination than that which is evidenced daily against persons from the South.

There are those few who have called DICK POFF a "racist." I know DICK POFF is not a racist and so do you. God in Heaven knows that DICK POFF is not a racist. The real racists are those who call DICK POFF one.

It is about time that something other than civil rights be used as a criteria for persons serving on the Supreme Court.

Under our present system with some of the standards that have been prescribed, unless they were active in civil rights, I doubt if even George Washington or Thomas Jefferson would today be acceptable to the liberals, and the special interest groups and the opinion makers, because they too were both from the South.

EFFECTS OF FORCED SCHOOL BUSING EXTEND TO PRIVATE SCHOOLS IN THE NORTH

(Mr. BROYHILL of Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BROYHILL of Virginia. Mr. Speaker, a lower Federal court has denied tax exemption benefits to certain private schools which do not accept students of all races. The court decision supports a policy of denial of tax benefits to such private schools which was announced by the Nixon administration more than a year ago. The customary tax benefits are necessary for the survival of such schools.

The court has declared that it would be within the authority of the Federal Government to make its decision applicable nationwide.

There are many private schools in the North that would fit the court's no-benefits category as easily as do any in the South. Thus a new offshoot of forced integration and forced school busing increases conflict throughout the Nation.

A constitutional amendment as proposed in House Joint Resolution 620, of which I am one of the sponsors, is necessary to end the dissatisfaction over forced school busing which is spreading in the North as well as in the South as has been reported in the public press within the last several weeks.

Mr. Speaker, I insert in the RECORD at this point a recent article from the Washington Star relating to this matter:

TEST ON "SEGREGATION ACADEMIES"

(By Lyle Denniston)

Unless the Supreme Court gives it a way out, the Nixon administration has a new North-South problem over racial segregation in schools.

This time, the issue involves the racial policies of private schools. It grows out of an exceptionally clever maneuver by a lower federal court.

In a ruling that is on its way to a test in the Supreme Court, a special three-judge court here posed a major test of the administration's sincerity in enforcing its year-old policy on the "segregation academies."

That policy denies tax benefits to private schools which do not stand ready to accept students of all races. Tax exemption for the schools, and tax deductions for donations to them, are critical to their survival.

Thus, *if the no-benefits policy is enforced rigorously and nationally, it could seriously impede the growth of "white-only" private academies as an alternative to integrated public schools.*

The new judicial decision insists upon rigor in enforcing that policy against some schools, but it leaves the administration the option of confining that tough approach to private schools in the Deep South, or extending it across the nation.

By its own promise, the government has said it will deny tax favors to any avowedly segregationist school anywhere in the country. It is now canvassing 15,000 schools on their admissions policies. There will not be one rule for the South, another for the North, on private school segregation, officials insist.

Of course, that promise came before the three-judge court announced its ruling. Since the government believed that no court decision was necessary to see that the no-benefits policy was carried out, it undoubtedly feels that the bold decision that did emerge goes too far.

At the moment, however, officials have not even decided whether to file their own appeal in the Supreme Court in an attempt to overturn the three judges' ruling. But parents of private-school children already have appealed, so a test is assured whatever the government does.

If the Supreme Court agrees with the lower tribunal, and that would be a fairly sound prediction, then the North-South dilemma becomes a real one, and the government must commit itself.

The lower court, in a burst of judicial creativity of a kind that "strict constructionists" abhor, has worked out a precise legal formula on the tax status of segregation academies. The ideas are, basically, those of the opinion's author Judge Harold Leventhal.

First, the court ruled that the federal tax law must be read to deny any favors to schools that do not follow the "federal policy" on desegregation. That would be a binding interpretation, and the federal tax collector would have no chance to change his mind administratively and approve tax-exempt status for "white-only" schools.

But more important, the lower court has defined a brand-new category of private schools: Those which were set up just before or just after a court order requiring integration of nearby public schools.

Wher there is "reasonable proximity" between a desegregation ruling and the opening of a private school, that school automatically fits into a class of schools wearing "a badge of doubt" over their right to federal tax exemption, the judges declared.

The schools in that group cannot even be considered for tax breaks, the court held, unless they publicize—in conspicuous ways, aimed at minority families in the community—the fact that they will accept students of any race, and will treat all students equally, once enrolled.

Under the government's year-old approach, a school's assurances of an open-admission policy were accepted with little or no guarantee that minorities had been informed.

The lower court also imposed special reporting requirements on schools in the "doubt" category. They would have to specify the racial makeup of their student bodies, their new-student applications and their faculties, and would have to disclose the names of their founders who had worked to promote school segregation.

Since only private schools in Mississippi were involved in the test case before it, the lower court expressly limited its orders to those schools. At the same time, it insisted that the "principle" of the ruling was not confined to that state.

The government, the three judges said, "would be within its authority if it chose to make the decision applicable nationwide.

As a matter of fact, *there are private schools in the North that would fit the court's category as easily as do those in Mississippi,* and Southern people—always sensitive to racial conditions in the North—know that. (Italic added.)

In Dixie, then, there will be keen interest in whether the administration accepts the lower court's challenge. And they will be watching, in particular, how the new federal tax collector—Johnnie M. Walters—reacts. He is from South Carolina.

"ELECTION" IN SOUTH VIETNAM

(Mr. HELSTOSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HELSTOSKI. Mr. Speaker, as the cosponsor of the privileged resolution which came before this body last week requesting the Secretary of State to furnish the text of all communications pertaining to the Vietnamese presidential "election," I can only express my deep regret that an indepth discussion of the proposal did not take place. The outcome of the October 3 uncontested "election" in South Vietnam underlined my reasons for actively supporting that measure. Only under a totalitarian regime does a candidate receive over 95 percent of the votes cast. Thieu's popularity rivals Stalin's.

Throughout my 6 years in the House, I have registered my opposition to our continuing presence in Southeast Asia. A number of my colleagues have expressed similar views. We could not justify the appropriation of funds to intervene in a civil war. We could not justify sending Americans to Vietnam to be killed. We came to believe that even if information were provided to furnish some pragmatic justification for our immoral conduct of the war, that most of the information we were given was at best misleading. It became an exercise in finding an iota of truth in what we were told, which was indeed an exhausting task.

When it became clear that there were no logistical considerations to outweigh widespread feelings of revulsion to our involvement in the war, we heard repeatedly that our devastation of Southeast Asia would insure free and democratic elections in South Vietnam. Yes, we could guarantee the ideal of Jeffersonian democracy in that country. In passing, I must admit that I always found this a contradiction in terms: To guarantee, we would have to intercede; were we to intercede, elections would not be free.

Nevertheless, there were those who felt this was a justifiable, even laudable objective. The events surrounding the presidential nonelection in South Vietnam have negated this excuse.

In recent months, we in Congress have been able to discern that the United States intervenes in the machinations of the South Vietnamese Government at virtually every level. With such overwhelming influence, it must be extremely embarrassing that this administration was not successful in making President Thieu acquiesce to something even vaguely resembling the democratic electoral process. There were rumors that General Minh was offered a substantial sum to stay in the race—with the great prospect of probably losing the fixed election and the consolation that he would become the opposition's leader under a dictatorial regime. Vice President Ky was finally given the opportunity to run, but he, too, realized that it was too late to salvage the election—his participation would only have given it a facade of legitimacy. In view of the above, it was not surprising the opposition forces shared the opinion that the only honorable course of action was to boycott the "election."

It is true that President Thieu graciously consented to explain how one could vote "against" him accordingly to the new election law: By casting an irregularly marked ballot or one mutilated in some way. Thieu also commented that he would have to receive a certain percentage of the total votes cast to remain in power. However, it was widely conceded that he had enough power to persuade those counting the ballots to give him whatever percentage he deemed respectable—if that term can be employed in this instance. Judging from the results, it seems that Thieu indulged in electoral "overkill"—no one can honestly believe a free referendum was held. A case in point was a province managed by one of Thieu's relatives where he reportedly received 99.67 percent of the votes.

Apparently, Ambassador Bunker attempted to effect a reversal of President Thieu's decision to go ahead with the presidential nonelection. Unfortunately, the Ambassador failed in that endeavor. Yet, President Thieu had admitted he could not continue without American military and economic assistance. Did the administration really make it clear to Thieu that it would not recommend this assistance if he continued to flout freedom of speech, freedom of the press, and freedom of choice? I am still of the opinion that as it is our responsibility to appropriate such funds, we have the right to know all of the instructions the Ambassador received from the Department of State in this regard, his responses and reports, and his communications with Thieu, Ky, and Minh. The State Department refused to comply with the request for this vital background knowledge.

We must not blindly continue appropriating funds on the basis of vague reassurances. We cannot legislate in the national interest without information. Most of all, we cannot continue to support a corrupt regime in South Vietnam.

INTRODUCTION OF A BILL TO REMEDY DEFECTS IN EXISTING HOMES

(Mr. BARRETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BARRETT. Mr. Speaker, I wish to introduce for appropriate referral a bill which would require the Secretary of Housing and Urban Development to compensate low- and moderate-income families for any serious defects found in the homes they purchased under the FHA section 235 and 221(d)(2) programs.

Twenty-two years ago the Congress of the United States proclaimed the national housing goal of providing a "decent home and a suitable living environment for every American family." Now 22 years later, not only have we failed in reaching this goal, but recent disclosures show that many of the programs designed to reach this goal have been used against the very people whom Congress intended to benefit.

In the past year and a half, the House Committee on Banking and Currency has devoted considerable attention to problems relating to the quality of existing housing being purchased under programs administered by the Federal Housing Administration. As dramatically pointed out by recent newspaper and other media, many of these houses have turned out to be nothing more than slum housing. In Philadelphia, for example, many families are now living in FHA insured houses, which the Philadelphia Department of Licenses and Inspection aptly describes as "unfit for human habitation." Most of these families were former tenants living in slum dwellings who desperately sought decent housing. They thought that by buying a house through the Federal Government they would finally be able to move out of their former ghetto and into better living conditions, for themselves and their children. They were able to purchase these homes under the FHA section 235 program which subsidizes mortgage interest rates, and under section 221(d)(2), another FHA mortgage insurance program, which assists low- and moderate-income families by providing liberalized payment schedules.

The FHA administration of both these programs has, in many cases, proved to be nothing short of disastrous. Many of the families who were supposed to be assisted now find themselves in conditions much worse than those in which they had previously lived. The so-called American dream has literally collapsed around them. The pride and dignity of owning a home has turned into frustration, fear, and a serious health and safety hazard to themselves and their families. Ironically, and Philadelphia again is an example, people have been prosecuted for having serious housing codes violations found within 2 weeks of the purchase of their FHA insured homes. As tenants, these families might have had some place to turn to for legal recourse. Now, they have nowhere to go. Some have spent the entire winter living without heat and basic utilities and now face another winter ahead.

The question we must ask is why? The answer is not simple but centers around a philosophy and an attitude which seems to be inherent in the FHA. There can be no question that the section 235 and 221(d)(2) programs were established to expand home ownership to those who have been formerly excluded from the housing market. Yet, recent disclosures concerning these programs reveal that in many cases they are being administered with a totally different intent. The purchaser is ignored. Although many of these purchasers are buying their first home, FHA will provide no counseling program and when a problem arises, FHA responds by telling the purchaser to see his real estate broker. Inspection of properties by the FHA is all too frequently shown to be atrocious with conflicts of interest prevailing at every level. Although the purchasers are ignored, FHA always makes sure that the economic interests of the speculator and mortgage companies are well protected. As a result, the poor, desperate for housing, became victims of unscrupulous speculators and mortgage companies who find high profits in these programs.

In response to this situation, the Congress passed section 518(b) of the National Housing Act in 1970. This provision gave section 235 purchasers the right to apply to HUD to correct serious defects in their homes. There have, however, been many difficulties in the administration of this new section. Certainly until very recently there has been little effort by FHA or HUD to publicize the existence of a remedy under 518(b) for 235 purchasers. To my knowledge, the only notice given was through the mortgage companies, which notice, lower income home buyers often have found to be confusing, ineffectual or worthless. Under these procedures, mortgage companies have also been given the responsibility of filing the application under 518(b). There is a clear conflict of interest here because the mortgage company was usually the partly initially responsible to determine if required repairs were completed. Indirect communication to buyers through mortgage companies in lieu of direct contact has been a disturbing symptom of FHA's avoidance of responsibility to the buyer.

Through maladministration the 221(d)(2) and 235 housing programs have been given a notoriety they do not deserve. The concept of home ownership for the poor is vital to the strengthening and remaking of our cities. These programs must be expanded and revitalized and incompetent and callous administration must be eradicated for the poor of this country need decent housing and they need it desperately.

The bill I introduce today is designed to achieve this purpose by compelling the local FHA offices to administer the 221(d)(2) and 235 programs in compliance with the existing law. This would be done by speaking to these local officials in the only language that many of them seem to understand—cold cash. Section 221 of the National Housing Act contains a requirement that—

> To be eligible for insurance under this section a mortgage shall . . . be secured by property on which there is located a dwelling . . . meeting the requirements of all State laws, or local ordinances or regulations relating to the public health or safety, zoning or otherwise, which may be applicable there to.

This requirement also applies to the section 235 program; yet recent disclosures show that it is frequently ignored. Under my bill, the Secretary of Housing and Urban Development would be required to compensate the owners of homes purchased under the 221(d)(2) or 235 programs if the homes were over 1 year old at the time of purchase and the defect which is complained of is one which is attributable to a failure of the home to meet State or local housing and other applicable codes. The only exception to this liability would be cases where the Secretary could show that the defect complained of is one that did not exist at the time of purchase.

In effect, this gives the lower-income home buyer—the one who suffers most if there is nonfeasance or malfeasance at the local level—some voice in policing local FHA operations. He can complain, and unless HUD can show his complaint is unjustified, he must be compensated. It is unfortunate that experience over the years has shown that a measure such as this is necessary, but it has become clear to me that no Secretary, and no FHA Commissioner, no matter how energetic and talented, can effectively police local FHA operations from Washington. The operations of that agency are too vast and the temptations and opportunities for conflicts of interest at the local level are simply too great. It is a tribute, perhaps, to the integrity and competence of the vast majority of local FHA officials that scandals such as that we are now experiencing in the 221(d)(2) program in Philadelphia do not occur more frequently, but when such scandals do erupt, they tarnish the reputation of the entire FHA and threaten the very existence of our low- and moderate-income housing programs.

Forcing the FHA to pay for housing code defects unless it can be shown that the defect did not exist at the time of purchase will have the desirable effect of encouraging—if not requiring—local housing code enforcement activities with respect to FHA-insured homes. Local housing code officials also have a major role to play in protecting unsophisticated purchasers of FHA-assisted homes, and it is the intent of my bill to protect the FHA from liability if, in fact, there is an inspection by local officials showing no code violations prior to issuance of the insurance commitment.

Another effect of my bill would be to right the injustice that has been done to those who have been bilked into purchasing slum housing under the 221(d)(2) and 235 programs. To my mind, it is unconscionable that the unsophisticated lower income home buyer—the person least to blame and least able to afford it—should also be the one to bear the burden for this scandalous situation.

Simple equity demands that those who are at fault be the ones to bear the burden. It is the duty of the FHA to help make these home buyers whole. Where others are also at fault, appropriate criminal action should be taken and heavy fines, as well as prison terms, should be levied.

Some may object that this course of action will be expensive to the FHA. I can assure you that the costs will be far less than both the financial and human costs of foreclosures—and foreclosures will continue at an accelerating rate if justice for these homeowners is not quickly forthcoming. A far more incalculable cost is involved here also. Nothing could undermine the success of our housing programs more effectively than the existence of a great number of FHA-assisted "home buyers" pointing with bitterness and disillusion at their abandoned and vandalized FHA-held "homes." This should not and must not happen.

Finally, Mr. Speaker, my bill would provide a means for better congressional oversight in these programs. Periodic reports could be required which would show just how much the FHA has to pay out to compensate past home buyers. Improved administration of these programs in the future would also clearly be shown by the drastic reduction, if not elimination, of such payments.

Mr. Speaker, I urge both my fellow members of the Banking and Currency Committee and all other Members of the House to give this bill their most serious consideration. The problem it addresses itself to is most serious and the consequences of insufficient congressional action in this area would be tragic.

A bill to authorize expenditures to compensate low- and moderate-income homebuyers for defects in FHA mortgaged homes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 518 of the National Housing Act is amended to read as follows:

"SEC. 518. (a) The Secretary is authorized, with respect to any property improved by a one- to four-family dwelling approved for mortgage insurance prior to the beginning of construction which he finds to have structural defects, to make expenditures for (1) correcting such defects, (2) paying the claims of the owner of the property arising from such defects, or (3) acquiring title to the property: *Provided*, That such authority of the Secretary shall exist only (A) if the owner has requested assistance from the Secretary not later than four years (or such shorter time as the Secretary may prescribe) after insurance of the mortgage, and (B) if the property is encumbered by a mortgage which is insured under this Act after the date of enactment of the Housing Act of 1964. The Secretary shall by regulations prescribe the terms and conditions under which expenditures and payments may be made under the provisions of this subsection, and his decisions regarding such expenditures or payments, and the terms and conditions under which the same are approved or disapproved, shall be final and conclusive and shall not be subject to judicial review.

"(b) If the owner of any one- to four-family dwelling which is covered by a mortgage insured under section 221(d)(2) or section 235 of this Act, and which is more than one year old on the date of the issuance of the insurance commitment, makes application to the Secretary not more than one year after the insurance of the mortgage (or, in the case of a dwelling covered by a mortgage which was insured prior to the date of enactment of this subsection, one year after the date of enactment of this subsection) to correct any structural or other defect of the dwelling attributable to a failure of the dwelling to meet applicable State laws, or local ordinances or regulations, relating to the public health or safety, zoning, or otherwise, the Secretary shall, with all reasonable promptness make expenditures to correct, or compensate the owner for, such defect, unless the defect is one that did not exist on the date of the issuance of the insurance commitment. The Secretary may require from the seller of any such dwelling an agreement to reimburse him for any payments made pursuant to this subsection with respect to such dwelling."

BOYCOTT FRENCH-MADE PRODUCTS TO HALT EXPORTATION OF HEROIN TO UNITED STATES

(Mr. RANGEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. RANGEL. Mr. Speaker, yesterday we learned that Postmaster General Blount had called for a boycott of French goods because of the failure of France to halt the exportation to this Nation of heroin processed in France.

I applaud the Postmaster General for endorsing a position I took in June of 1970.

It is reported that upward to 90 percent of the heroin that enters the United States is processed in France bringing death, sorrow, and disruption to our shores. We must stop it and stop it now. I am therefore asking you to support this boycott, in a resolution I will be introducing today, in the hope that Congress will demonstrate the courage and initiative to do what obviously our executive branch of the Government has not done, insisting that the French halt this criminal activity which is destroying our society.

As most of you know, in the inner cities imported drugs, heroin has not only ruined many of our youth but has also been directly responsible for the corruption of our police departments which threatens the very stability of our society. I have discussed this serious question with New York City Police Commissioner Patrick Murphy, who has testified before the Congress asking for our support and legislation to curb this deadly drug which is continuing to flow unchecked into our cities.

Again I ask you to join in this national boycott against imported French products. A fact sheet revealing the extent of France's lack of cooperation is made a part of this record. I believe this boycott of French products is consistent with the President's economic program as well as the full employment programs of our labor leaders who ask us to "buy American."

Thank you.

I would like to insert the resolution in the RECORD at this point; other facts supporting the need for such a national effort of this kind, and the full statement of Postmaster General Blount:

H. CON. RES. 419

Concurrent resolution expressing the sense of Congress that there should be a boycott in the United States of French-made products until the President determines France has taken successful steps to halt the processing of heroin and its exportation to the United States.

Whereas heroin addiction has reached epidemic proportions across the United States and in our armed forces; and

Whereas France is the center for the processing of most of the heroin smuggled into the United States; and

Whereas the Franco-American agreement of February 26, 1971, on cooperation in the area of narcotics has not led to the closing of any of the clandestine narcotics laboratories in France; and

Whereas the French Government has made inadequate attempts to stop international drug traffic in its own country; and

Whereas American officials have provided the French Government with the names of leading French drug processors and smugglers who still have not been arrested; and

Whereas the United States imported nearly $1 billion worth of goods from France in 1970; and

Whereas American tourists spent $160 million in France in 1970; and

Whereas between 1946 and 1969 the United States gave France $9,415,900,000 in economic and military aid: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the American people should boycott all French-made products until such time as the President of the United States determines that the Government of France has taken successful steps to stop the processing of heroin within its borders and to stop the illicit transport of heroin to the United States.

FACT SHEET PREPARED BY CONGRESSMAN RANGEL—FRANCE'S LACK OF ENFORCEMENT

1. France is the country where the majority of the heroin illegally entering the United States is processed. Labs which do the processing are centered primarily in Marseilles, due to the availability of shipping facilities. Other labs are believed to exist in the Le Havre and Paris areas. Arthur K. Watson, U.S. Ambassador to France has stated, "These laboratories we believe have operated in the Marseilles region of France with little interruption since 1935."

2. French police have closed only 13 clandestine labs in 20 years. The Police Judiciare have failed to locate and raid any labs or warehouses since the Fall of 1969.

3. Despite the February 26, 1971, signing of a Franco-American agreement of cooperation on narcotics, there have still been no raids on clandestine laboratories in France.

4. John Cusak, European desk chief of BNDD has estimated that between 8 and 12 labs are currently operating in the Marseilles area alone.

5. Cusak charged on August 26, 1971, "Right now there are in Marseilles three or four big shots of the drug racket who feel secure, fortified with their bank accounts, their connections and the respect that surrounds them."

6. Congressman Morgan Murphy (D–Ill.) and Robert Steele (R–Conn.) have reported to the House Committee on Foreign Affairs the names of the leaders of the Marseilles drug traffic. The names mentioned were "Jean and Dominique Venturi, Marcel Francisi, Antoine Guerini and Joseph Orsini."

7. On September 1, 1971, regional leaders of the French national union of customs officials charged. "There is a very influential underworld in Marseilles which had and still has political protection."

8. François Le Mouel, new head of the

French Narcotics Bureau, despite the presentation of names to him, has denied knowledge of who is processing heroin in France.

9. Despite an increase of shipping from the port of Marseilles, the number of customs agents has dropped from 940 in 1950 to 670 in 1971, according to Claude Gravagna, a spokesman for the customs union.

10. The occasional seizures of heroin by U.S. Customs officials, such as the discovery of 96 pounds of pure heroin worth $12 million in April, 1971, hidden in an automobile shipped from Le Havre are an indication that French police and customs personnel are failing to take decisive action against the producers of illicit heroin.

11. Despite France's promised contribution to the United Nations Fund for Drug Abuse Control, as of September 15, 1971, it had not made its payment.

NEWS RELEASE OF U.S. POSTAL SERVICE, OCTOBER 4, 1971

DALLAS.—Postmaster General Winton M. Blount, warning that drug abuse has reached a critical stage, called on the American people to institute a boycott of all French goods in an effort to force French authorities to take more effective action against the flow of heroin into the United States.

"There is no reason why the individual American citizen cannot have a role in the war against the international drug traffic," Blount said. "Why should the American people buy French goods when an estimated 80% of the heroin which finds its way into this country and into the bloodstreams of our young still comes from France?"

"If the American people decided to boycott French goods and did so until the cost of the boycott exceeded the benefits of the drug traffic out of Marseille, then greater efforts might be taken to end that traffic," he said Noting that drug abuse is a problem which cannot be left to the federal government alone, the Postmaster General suggested a boycott as something citizens can do on their own to combat the problem.

Mr. Blount's comments on the trafficking in narcotics came during a ceremony in which he dedicated a new postal stamp designed to draw attention to America's drug problem.

He particularly focused on France as being a major source of illegal heroin for the big-time international narcotics peddlers.

"While drug abuse is on the increase in other nations, America—of all the countries in the world—is the nation with the largest drug problem," Mr. Blount said.

This situation exists, he said, despite the fact that the United States does not grow the poppy. In those nations where it is grown, the addict problem is negligible, he said.

"Now we don't grow it, and we don't manufacture it, and yet despite this, we have the largest population of heroin addicts in the world," Mr. Blount said.

The Postmaster General said explanations about why people persist in taking drugs and marijuana—"the war, the bomb, the new life style, and so forth"—fail to get to the heart of the problem.

"It isn't so much that none of these explanations make sense, as it is that they simply don't matter," Mr. Blount said.

"We need a whole lot less emphasis on trying to find out why people have a desire to take drugs, and a whole lot more emphasis on why they have the opportunity to take them.

"We need less sociological conjecture and a lot stronger enforcement procedures.

"This is why," he said, "the problem cannot be left with the federal government. It simply cannot deal with a problem of this magnitude when it needs to be dealt with at the state, municipal and local levels" as well.

Mr. Blount said the new postal stamp is a step toward educating people to the gravity of the drug situation.

"The stamp we dedicate today is an unusual one for a commemorative stamp," he noted. "It is not, in fact, a commemorative stamp at all.

"It is, rather, a warning, a plea for help, and a call to the American people to take every step to lift up those who have fallen under the use of drugs, and to strike down those who profit from the misery of others—who have brought others into the use of drugs."

The vertical, eight-cent stamp carries the message "Prevent Drug Abuse." It depicts a young girl in loneliness and despair from the consequences of drug dependency.

REMARKS BY POSTMASTER GENERAL WINTON M. BLOUNT, DRUG STAMP DEDICATION, DALLAS, TEX., OCTOBER 4, 1971

It is a great pleasure to be here with you this afternoon. I say that with some qualification—our purpose here is not a pleasant one, but there is satisfaction in believing that the effort we are engaged in today may have a positive effect on a problem of grave concern to our country.

America is a nation dedicated and consecrated, from the very beginning, to its young. Men have fought and died for American liberty—so their children might be free. Parents have worked and struggled and denied themselves to provide advantages to their children which they themselves never had: Life in a better neighborhood, education in better schools, higher education, a start in life on a higher economic rung.

Our society is adjusted to serve the best interests of our children; our economy is adjusting to accommodate them; even our political system is opening to provide a place for them. And certainly, all these things are justified—for our youth are the wealth of our Nation.

And yet, despite the great emphasis on the best interests of our children, at no time in our history have the young people of America been under a greater threat than they are today. That threat comes from the menace of narcotics and dangerous drugs.

President Nixon has very clearly acknowledged the danger of this menace and has taken very strong and comprehensive steps to deal with it. He has asked for more stringent and far-reaching laws to combat drugs in the area of enforcement. And he has brought to the government a man, who is probably the best equipped man in the country—Dr. Jerry Jaffee—to deal with the drug problem through treatment and prevention.

Both these efforts are going forward, and both are showing progress—sometimes it is only the slim satisfaction of learning what still has to be learned, or of disproving what was thought to be true: This is slow progress, but it is going on.

In other areas, spectacular progress has been made. With the assistance and the diplomatic encouragement of the United States, Turkey—which is the largest opium producer in the world—has agreed to stop cultivating the poppy. This is a very substantial accomplishment, and a very large sacrifice on the part of the Turkish people and their government.

As I speak on various occasions around the country, I frequently direct my remarks to the matter of putting the power and the responsibility for running this Nation back where it belongs—with the American people.

If there is anyone more concerned with seeing this come about than I am, it is President Nixon himself. He was talking about "power to the people" before the so-called militants and other pseudo-revolutionaries ever came along.

It is difficult to know, at this point, what effect the effort to get power out of the hands of the Federal Government and back to the States and the people is having. I think it is felt by many that this is an optional matter, that they have a choice—that they can choose to run their own lives as they wish or let the Government do it. And they're in no hurry to make a decision.

Let it be understood by all that drug abuse is a problem which cannot be left to the Federal Government to deal with alone. Let it be understood by all that the decision to let Washington worry about it is a decision to let the drug addicts, the drug pushers, and the big-time international narcotics traffickers destroy the Nation we have created and preserved and made great for our young—and to destroy our young as well.

Drug abuse is a problem of the most critical dimensions. While drug abuse is on the increase in other nations, America—of all the countries in the world—is the nation with the largest drug problem. Consider what this means just in the area of heroin addiction. The United States does not grow the poppy; in those nations where it is grown—those nations which produce opium—the addict population is negligible.

The United States does not produce heroin—which is a derivative of morphine, which in turn comes from opium. The production of heroin is a laboratory process which is carried out abroad—France, as we know, is a major source of illegal heroin, for example.

Now we don't grow it, and we don't manufacture it, and yet despite this, we have the largest population of heroin addicts in the world. Consider what that suggests about the size of the problem of marijuana—which can be grown here, and which is grown in abundance on our borders. Consider what this suggests about the size of the problem stemming from barbiturates and amphetamines and other pills which we do manufacture here, and which our young people have relatively easy access to.

There is, of course, much uneasiness over the fact that the problem exists and there is deep concern as well over why the problem exists. Drug addiction is a phenomenon that has consistently baffled and dismayed the sociologists.

First, it was thought that drug addiction was a ghetto problem because of the misery and the boredom of ghetto dwellers. And this made sense, because there is certainly enough misery and boredom in the ghettos to explain a resort to drugs.

But then it was discovered that the problem has moved to the "nice" neighborhoods—to the suburbs. The case for misery and boredom was lost here. While the problem in the suburbs had and has qualitative and quantitative differences, it was still a drug problem—and these differences are being eliminated.

For example, where pills and marijuana seem once to have been the preferred method of "turning on," heroin usage is on the increase now.

There have been other explanations—the war, the bomb, the new life style, and so forth. It isn't so much that none of these explanations makes sense, as it is that they simply don't matter. We need a whole lot less emphasis on trying to find out why people have a desire to take drugs, and a whole lot more emphasis on why they have the opportunity to take them.

We need less sociological conjecture and a lot stronger enforcement procedures.

This is why the problem cannot be left with the Federal Government. It simply cannot deal with a problem of this magnitude when it needs to be dealt with at the State, municipal and local levels.

Whatever other responsibilities Americans may choose to relinquish to the Federal Government, they just cannot and must not relinquish responsibility for the lives of their children. It is inconceivable

to me that we have not seen stronger local action on this account.

The pusher at your local high school—and it is almost a statistical certainty that there is at least one—that pusher is trying to destroy your child. There can be no action too strong and no penalty too harsh for those who would take young and impressionable children in the morning of their lives and seek to wreck those lives—and to do it for profit.

Because, make no mistake, despite all the reasons we have heard for the drug problem—social or economic disadvantages, political despair, and the rest of it—the overriding reason why the problem persists and grows is because it is a big business and there is an enormous amount of money in it. It is an international business, and this Nation is being victimized by those nations which overlook the production and export of illegal drugs from their territory into our own.

I am and always have been a businessman, and I know it is a very difficult matter to kill a business that makes money—whether it is legal or illegal. It takes strong, concerted, comprehensive, and absolutely ruthless action at all levels to do the job. The sooner the American people recognize this, the sooner they are as prepared to take independent, private action as they are to let the Federal Government act, the better off our country will be.

Because this is a matter that every American can take a hand in. One citizen effort which has been very successful is called TIP—for Turn In a Pusher. The TIP program provides a bounty to anyone who reports a drug pusher when the report results in a conviction. This has been done in areas in Florida, and I know it is being done now in areas of Northern Virginia just outside the District of Columbia.

I think the program should be taken up everywhere. It must inevitably succeed, because not only does information come from private citizens, but it is virtually certain that it will come from within the drug culture as well. A junkie will sell his mother for money, and pushers will sell each other out to eliminate competition.

In other efforts, particularly in the ghettoes, private groups go about combating drugs by taking private action against traffickers. It is appropriate, it is to be hoped, and to be expected that those who are most damaged by the trade should strike back the hardest.

Other methods will suggest themselves to responsible Americans. There is no reason why the individual American citizen cannot have a role in the war against the international drug traffic. Private citizens can make themselves felt beyond our borders. Why, for example, should we import French goods—cars, clothing, food and such—why should the American people buy these goods when an estimated 80% of the heroin which finds its way into this country and into the bloodstreams of our young still comes from France?

If the American people decided to boycott French goods and did so until the cost of the boycott exceeded the benefits of the drug traffic out of Marseilles, then greater effort might be taken to end that traffic.

I call on the American people to institute a boycott of all French goods now—until the French clean up this cesspool with which our young are being contaminated.

Finally, a major step toward a solution of this matter must involve education of our people, and communication with them—not all are aware of the gravity of the situation nor of its widespread nature. It is in this area that the U.S. Postal Service is particularly well-equipped to help.

The stamp we dedicate today is an unusual one for a commemorative stamp. It is not, in fact, a commemorative stamp at all. It is rather a warning, a plea for help, and a call to the American people to take every step to lift up those who have fallen under the use of drugs and to strike down those who profit from the misery of others—who have brought others into the use of drugs.

This stamp is a vertical eight-cent stamp, designed by Miggs Burroughs of Westport, Connecticut, based on a concept by K. Gardner Perine of the Bureau of Narcotics and Dangerous Drugs. It depicts a young girl in a posture of loneliness and despair—reflecting the consequences of drug dependency. Its purpose is clearly written on the stamp. It is to "Prevent Drug Abuse." And we dedicate it now with a fervent hope that it will accomplish its purpose.

MISINFORMATION FROM EXPORT-IMPORT BANK

(Mr. DENT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DENT. Mr. Speaker, the information given to Congress on export-import volumes in both product and dollar volume is confusing in most cases and deliberately misleading, for the sole purpose of influencing the Congress in the matter of legislation dealing with tariffs and customs in favor of free trade.

For years as a Member of Congress, I have tried every avenue trying to get definite facts and figures, either by State, district, or even national totals, and I have never been able to get any figures that in any way resemble other sets of statistics from various departments.

Recently I received a communication dated September 8, 1971, from Henry Kearns, president and chairman of the Export-Import Bank of the United States, which is one of many such communications I receive from the great number of internationally oriented organizations, saying that their studies reveal and I quote:

> The Twenty-First District of Pennsylvania has made a significant contribution to our Nation's export volume and the Eximbank has been instrumental in this achievement. In the calendar year 1970, total exports from your general area supported by Eximbank's programs reached $124,522,572 from $63,827,900 in 1969.

This struck me as being a little off-base since in 1969 this Nation had, according to figures given to the Congress and the people, a trade balance in our favor that was larger than in 1970. As a result of my questioning their figures and the general tone of their letter, which compares to other such letters from governmental organizations, I asked Mr. Kearns to give me the particulars on my country, which is the 25th District of Pennsylvania.

At this time, I would like to read you their answer to my inquiry:

> I will attempt to partially answer your questions at this time, and as further information is developed by our staff we will make it available to you. As you may understand, the practice of identifying the actual origin of exports is not a completely exact science: We must use available information comparisons—not analyses. Of course, major suppliers can be identified and some major users of Eximbank have furnished lists of subcontractors. From this information and from the changes that take place in trade composition, we are able to arrive at what appears to us to be reasonably accurate estimates of the exports covered by some aspect of Eximbank financing. You will recall that our programs include direct loans, guarantees on loans made by banks, export credit insurance, and the discount of credits made available by private banks.
>
> The "general area" referred to in our letter is that of Pittsburgh and surrounding territory; however, we have been unable to identify by Congressional District as such.

This is the tone and temper of all of the replies you receive when you inquire into the specifics of international trade.

Of course, the people in the 25th District believe that we exported $124,522,572 in calendar year 1970 from the information Mr. Kearn gives; therefore, they agitate for free trade. However, the 25th District and surrounding area has a problem of unemployment, and considering the manner in which unemployment is counted they have the greatest number of nonproducing nonworking persons that I have known in my 40 years of political experience.

The figures on agriculture attempt to show that the U.S. agricultural economy depends on exports and it would be a severe blow to our balance of payments if our trade policies had more restrictive covenants. However, in looking at report figures, I discovered that the exports to Great Britain and the Scandinavian countries are in excess of $9 billion, but with a breakdown in the product exported we find that less than $300 million of the total was nonsubsidized products, which means that the profit, if any, was undershaved by the taxpayers' contributions of subsidies.

There is an interesting story that tells of a store that sells three pairs of shoelaces for 10 cents. When the storekeeper is approached by his competition and asked how he can afford to sell at that price, since he pays 4 cents a pair for the shoelaces, he is told that the volume he sells makes it possible. Japan operates on this philosophy. She buys over a billion dollars worth of American agricultural products, but we fail to realize that a fairly high percentage is paid for by the U.S. Treasury by subsidies in cotton and wheat and other products.

I would like at this time to call upon our Committee on Ways and Means to do a job, which I imagine they may hesitate to do, and that is to hold a series of on-site hearings both here and abroad, if necessary, to get the truth of the effect of international trade on American prosperity and well-being. Unfortunately, my own committee only has jurisdiction of job displacement and this appears to be a minor consideration to the President, the Tariff Commission, and the State Department.

However, when Jack Anderson, who is not exactly a free trader, notes that "United States Foreign Aid Hurts Workers in America," and James Reston says "Hong Kong Gathers Rosebuds While It May"—the rosebuds being American jobs—and Ray Moseley says "United States and Japan: Troubled Alliance" and when unnamed writers in the Philadelphia Bulletin say "Neighbors Wary of Japanese Forces" and "Up From the Ruins of War, Japan Is the Third Wealthiest Nation on Earth," unemploy-

ment is not a minor problem and it is time to do something about our trade policies.

I can personally develop the military angle since I say the Japanese forces and they compare with our forces in both mobility and training. The headline titles I quoted are just one page of editorials of one newspaper in 1 day. Multiply this by millions of lines and printed words, oral arguments, and discussions in the United States on our trade policies and you will get a broader picture of the international trade dilemma.

REMARKS OF HON. WILBUR D. MILLS BEFORE THE BLUE KEY NATIONAL HONOR SOCIETY, UNIVERSITY OF GEORGIA

(Mr. LANDRUM asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include a speech by the Honorable WILBUR D. MILLS).

Mr. LANDRUM. Mr. Speaker, on last Friday evening a distinguished Member of this body, the chairman of the House Ways and Means Committee, the gentleman from Arkansas (Mr. MILLS), addressed the Blue Key National Honor Society of the University of Georgia at Athens.

At that time the gentleman from Arkansas (Mr. MILLS) made a very profound statement on the challenges facing our American institutions today and the challenges that likewise face the students in their academic life today. I want the membership of this body to have an opportunity to read that statement and include it at this point in my remarks.

The statement referred to follows:

REMARKS OF HON. WILBUR D. MILLS

It gives me a great personal pleasure to appear tonight, because I have long been an admirer of the Blue Key Society. Your fundamental tenet that a belief in God should be perpetuated and intensified—your theme that the United States government must be both supported and defended—and your goal to preserve the established institutions of our society and the principles of good citizenship, should be echoed by every thinking American.

I am proud that my alma mater, Hendrix College, has had a Blue Key chapter for some 30 years, and I congratulate you on 47 years of devotion to your principles and your recognition of those who stand for them.

I have mixed feelings about the fact that Blue Key was not established at Hendrix during my undergraduate days. On the one hand, I would have striven for the recognition which goes with the conferring of the Blue Key—on the other hand, I was spared the critical application of your criteria for membership. Looking back, perhaps it is just as well.

Your support of our American institutions is particularly critical today, when the viability of those institutions is being challenged to an unprecedented degree.

Events we read about in the news every day provide ready examples:—the Mylai affair and its impact on the military;—the bussing decrees and their impact on public schools;—the Vietnam War and its impact on the concept of separation of powers and the determination of foreign policy. The list is endless. The ability of our institutions to meet these pressures and to adapt to them, is of crucial importance to the future of America. Central to all these events is one common factor—radical, even violent change!

The enormous advances in technology and the rapidly changing patterns of life in America produce a constant demand that our institutions respond to accommodate these changes. This process has been going on apace throughout our history. However, a disturbing by-product of this process has developed in recent years: the reverence for change as some kind of a panacea, good in and of itself, which is invariably equated with progress.

Some of those who are concerned with the serious problems which challenge America have somehow transformed this genuine concern in to an attack on existing institutions in our society. They charge that these institutions represent the status quo—and, since to them the current state of the nation is unacceptable—the institutions themselves are to blame and must fall. Unfortunately, change itself thus becomes the primary goal. Solution of the real problems is relegated to a goal of secondary importance.

The fallacy and danger of this logic are obvious. Most of our problems also exist in practically all societies throughout the world—societies which have vastly different social institutions and cultural patterns. They are not unique to America.

What is unique is that America has led mankind's struggle for the better life and in the process has become the wealthiest and most powerful country on earth. We have always used our skills, resources, and initiative to overcome the most insurmountable problems without resorting to a destruction or denial of the institutions that conferred these benefits. We have always used the fruits of these institutions to better our condition. These very institutions have survived and grown because they hac the flexibility and willingness to adapt and meet the changing needs of the people—not their own. Man has always been the master in America.

It is clear that most Americans don't subscribe to the destructive approach in the name of progress. Such an extreme attitude is, however, symptomatic of a fear which has enveloped much of society.

And fear stems from despair that America—as we know it—can no longer overcome the problems which it is facing. This is a supreme irony. Americans have a material wealth and standard of living unparalleled in the history of the world. We have made tremendous advances in medicine, space exploration, communications, and production of food and goods. We have conquered the dread four horsemen of ancient times. Yet this same civilization is demoralized and panicked because it cannot find an instant solution to all of the age-old problems of mankind. Racism, urban deterioration, ever-expanding welfare rolls, hunger in the midst of plenty—these are conditions which have been allowed to fester for decades. But we have turned our attention toward these problems, and what do we find? Our characteristic optimism has been replaced by frustration and despair, our determination by impatience and intolerance.

Instant solutions are demanded by many, but none are instantly forthcoming. Any action which is taken is not enough or soon enough. But this is not a unanimous assessment. A mass polarization of attitude and response has emerged in our land. Yet a lack of faith or conviction in our ability to overcome our problems seems to be common to all. Those on one side reject the values and institutions that they identify with a society that they fear is *unwilling* to right its wrongs. The other side, fearing that society is *unable* to do so, responds by lashing out at proponents of change and blindly defending the existing values and institutions of society and ignoring or denying the existence of any problems.

Let us not become so concerned with the need to eliminate the grievances and injustices we see around us that we destroy the means by which we hope to solve these problems. Let us not work ourselves into such an hysteria for reform that we forget what illness we set out to cure.

I am reminded of an incident related to me by a young law student who does volunteer legal aid work. He was acting as counsel for a group of undergraduate students who had been sanctioned by the university for occupying the President's office during a student demonstration. This demonstration had been staged to publicly protest certain events of national concern which occurred last spring not connected with that particular university. During the course of a meeting held to discuss an appeal of the disciplinary action taken against them, they began expressing their disappointment that their actions had not accomplished very much. At this point one of their leaders ironically reassured them that their sentiments were uncalled for—that their efforts had indeed had a great impact. He announced that he had just learned that $1½ million in alumni pledges had been withdrawn because of their actions. The group responded to this news with cheers, laughter, and applause.

My first reaction to this story was to query as to whose actions had been the most irrational or counterproductive—the alumni who had cut off the university from desperately needed funds because twenty students occupied an office—or the students who feel that they can cure the ills of society by preventing a college president from carrying out his duties. I was later struck by the realization that the real significance of this incident was that these young people had equated impact with success, regardless of the nature of that impact.

Are the conflicting interests and groups in our society destined to become more polarized, thereby reducing their potential ability to make constructive contributions to society? To avoid this catastrophe, we must learn again to balance the conflicting interests. We owe our very existence as a nation to our past ability to adjust our differences regardless of the depth of the diversity. America is too large, its population too diverse, its problems too complex, to allow any one group to demand instant and total submission to its judgment and wishes. No one group has all the right answers. In fact, a democracy is *supposed* to be an accommodation of the various divergent views.

Let us hope that a lack of faith in existing institutions is not the only bond between conflicting groups and forces in our society. Let us hope that those who would seek change for its own sake will *not* prevail. Let us hope, *instead*, that we will have progressive, carefully-reasoned, effective and beneficial change based upon the facts, the needs and the priorities of our great country.

The problems facing our country should be of common concern to all of us. The question which must be answered is what provides the most effective means of attacking them. I believe that the basic institutions which have brought us this far hold the answer.

Our free enterprise system has proven itself to be—and provides—our greatest hope of developing means of increasing production to fill the needs of an every expanding population while at the same time decreasing and minimizing environmental pollution and protecting the quality of life.

A strong family unit provides the surest

means of instilling in our young a respect for the rights and property of others. And we know that this same strong family unit gives us our greatest strengths and pleasures.

And what could be a more effective channel to give man a renewed commitment to peace and brotherhood than our churches and synagogues?

Is all this merely patriotic rhetoric? Does all the evidence say that our institutions are failing to respond and adjust to these problems? I don't think so. Clearly no revolutionary changes can or have taken place overnight, but progress is being made. Examples of institutional response to our most pressing problems abound. Recently one huge corporation (Xerox) announced a plan whereby each of its employees could take a year's leave of absence in order to enable him to work on social problems of his choosing while he is still in his prime. Many businesses have implemented minority hiring programs, and the country's largest corporation (GM) has named its first Black to its board of directors. Educational institutions now give special consideration in admissions policies to the underprivileged. Mass advertising campaigns reveal the fierce competition to develop the least polluting product—particularly soaps and gasoline. Educational institutions at all levels have greatly expanded curricula into areas of current concern.

The samples are endless. None of them, standing alone appears to be very significant, and many would argue that they are but token responses. However, they do reveal that institutions have the resources, technology, power, flexibility, and willingness to attack the problems we must overcome. They also illustrate the sensitivity of all of our institutions to public opinion.

Management has at long last recognized that Labor should be given a "stake in the game". Our Federal tax laws, which I like to regard as enlightened, make this possible through investment in an employer's stock by a qualified employees' trust. The stock can then eventually be distributed to the employee beneficiaries of the trust, giving each one a capital investment in the business—a second income by way of dividends on the stock—and a unity of purpose between Labor and Management, translated from the philosophical to the practical.

This, then is the need of our times—a new morality in economics. Reaching toward this new morality demands that we employ our resources to maximize our capacity for economic growth. Our resources are not unlimited—we cannot achieve all our aspirations at once and overnight. We must recognize this as a nation and as individuals, and it is immoral for us to delude ourselves or those whose needs are so pressing into thinking that we can. As we look to the Federal government more and more for effective action on those many fronts which have previously been the domain of the state and local governments, we must be constantly on our guard against the creation of a "coercive society." *We must not win the battle but lose the war.*

It is my belief that the highest morality available to man lies in devising social and economic systems that help the people to realize their potentials. To take one example, our welfare goal must be to increase the ability of the poor to contribute to society through the means of income supplements—rather than having the means become the end, with the income supplement doing no more than keeping body and soul together while perpetuating the role of the poor as second class citizens.

I, for one, am confident that these institutions under which America has become the greatest country in the world, will not fail us now. Let us exhibit a renewed faith and confidence in our ability to solve our problems working through these institutions. Let us not be ashamed of our values, traditions and accomplishments because we suddenly begin to focus our attention on our shortcomings. Let us not stampede toward change for its own sake. Let us recognize our problems and get to work.

If I judge correctly the philosophy of the Blue Key Society, you would subscribe to this basic premise.

THE CONSUMER PROTECTION ACT OF 1971

(Mr. HOLIFIELD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include a section-by-section analysis of the Consumer Protection Act of 1971.)

Mr. HOLIFIELD. Mr. Speaker, on behalf of myself, Mrs. DWYER, and Mr. HORTON, as Members of the House may know, the Rules Committee as cleared for floor action H.R. 10835 on October 12 and 13, the Consumer Protection Act of 1971, which will provide clear and definite protection to the consumer and help rid the marketplace of practices and conditions which have been so detrimental to the legitimate sector of our business system. Most importantly, it will help insure that the Federal Government carries out the intention of Congress expressed in many statutes to assist the consumer in getting full value for his dollar.

In essence the bill does the following:

First. Continues the Office of Consumer Affairs in the Executive Office of the President and gives it a statutory base. Its principal function will be to assist the President in coordinating the often diverse and overlapping consumer programs of the numerous Federal departments and agencies and to make more effective such programs.

Second. Creates an independent Consumer Protection Agency which will represent the interests of consumers in proceedings being conducted by other Federal agencies—and in certain cases the courts—where such interests may be substantially affected by the results of those proceedings.

Third. Sets up a Consumer Advisory Council to be composed mainly of private citizens who, through this mechanism, will furnish the input from the consuming public into the activities and policy formulations of the office and agency.

Other provisions of the bill authorize: Programs of consumer education and and information; procedures for handling consumer complaints and making those complaints available to the public; a limited amount of product testing in connection with the consumer representation and safety function and the dissemination of test results; and continuing studies of household product safety.

The bill also requires all Federal agencies in taking actions within their responsibilities to give due consideration to the interests of consumers.

The bill also contains safeguard provisions prohibiting the disclosure of trade secrets and other confidential information and requires fair and equitable procedures in carrying out its objectives.

I have sent each Member of the House a copy of our committee report—House Report No. 92-542—which explains in detail the contents of the bill and the reasons it was supported by the committee. There follows herewith a section-by-section analysis, which should be helpful:

SECTION-BY-SECTION ANALYSIS OF H.R. 10835, THE CONSUMER PROTECTION ACT OF 1971

Section 1. The short title will be the "Consumer Protection Act of 1971."

Section 2—Statement of findings. The Congress finds that the interests of consumers are inadequately represented and protected within the Federal Government; and that vigorous representation and protection of consumer interests are essential to the fair and efficient functioning of a free market economy.

TITLE I. OFFICE OF CONSUMER AFFAIRS

Section 101—Establishment. An Office of Consumer Affairs is established within the Executive Office of the President to be headed by a Director and seconded by a Deputy Director, both to be appointed by the President and confirmed by the Senate. This section would give a statutory foundation to the existing Office of Consumer Affairs, established under Executive Order 11583, dated February 24, 1971.

Section 102—Powers and duties of the Director. The Director is given the administrative powers and responsibilities ordinarily conferred upon agency heads, such as appointment and supervision of personnel, including experts and consultants, in accordance with the civil service and administrative expense laws; appointment of advisory committees; promulgation of rules necessary to carry out his functions; delegation of authority; making agreements with and obtaining the support of other Federal, State and private agencies.

The Director is required to submit annually to the President and to the Congress a comprehensive report of activities of the Office, including recommendations for additional legislation and an evaluation of selected major consumer programs of each Federal agency.

Federal agencies, upon request of the Director, are to provide to the Office services and other support, and are to supply information to the Office as may be necessary and appropriate. Reimbursement for such assistance will be governed by existing provisions of law.

Section 103—Functions of the Office. The functions of the Office of Consumer Affairs will be to—

(1) assist the President in coordinating the programs of all Federal agencies relating to consumer interests;

(2) encourage and assist in the development and implementation of Federal consumer programs;

(3) assure that the interests of consumers are considered by Federal agencies both in the formulation of policies and the operation of programs;

(4) cooperate with and assist the Administrator of the Consumer Protection Agency;

(5) advise Federal agencies on programs and activities relating to the interests of consumers;

(6) recommend to the Congress and the President means by which consumer programs can be improved;

(7) conduct conferences and investigations on consumer problems not duplicative of other Federal agencies;

(8) encourage and participate in consumer education and counseling programs;

(9) support and coordinate research leading to improved products, services and consumer information;

(10) provide technical assistance to State

and local governments in protection of consumer interests;

(11) cooperate with and assist private enterprise in the promotion and protection of consumer interests;

(12) publish in a Consumer Register or in other suitable form the actions of Federal agencies and other useful information in non-technical language; and

(13) keep the appropriate committees of the Congress fully and currently informed of all its activities.

Section 104—Transfer of Assets and Personnel. The personnel and other assets of the Office of Consumer Affairs and of the Consumer Advisory Committee both established by Executive Order 11583 dated February 24, 1971, as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function granted to the Office or to the Council established by this legislation are transferred respectively to said Office or Council.

TITLE II. CONSUMER PROTECTION AGENCY

Section 201—Establishment. The Consumer Protection Agency is established as an independent agency in the Executive Branch to be headed by an Administrator and seconded by a Deputy Administrator, both to be appointed by the President and confirmed by the Senate. Employees of the Agency may not engage in business or employment or have interests inconsistent with their official responsibilities.

Section 202—Powers and Duties of the Administrator. The Administrator is given the usual administrative powers and responsibilities conferred upon other Federal agency heads, such as appointment and supervision of personnel, including experts and consultants, in accordance with the civil service and administrative expense laws; appointment of members of advisory committees, promulgation of rules necessary to carry out his functions; delegation of responsibilities; entering into contracts; and obtaining the support of other Federal, State and private agencies.

The Administrator shall transmit annually to the President and the Congress a comprehensive report of activities of the Agency, including recommendations for legislation and an evaluation of selected major consumer programs of each Federal agency.

Federal agencies, upon request of the Administrator, are to provide to the Agency services and other support, and are to furnish information to the Agency as may be necessary and appropriate. Reimbursement for such assistance is subject to existing provisions of law.

Section 203—Functions of the Agency. The functions of the Consumer Protection Agency will be to advise the Congress and the President, to promote and protect the interests of consumers, and to—

(1) represent the interests of consumers before Federal agencies and the courts as authorized;

(2) in the exercise of its responsibilities under section 207 (relating to product testing), support and encourage research studies and testing leading to better understanding and improved products, services, and information;

(3) make recommendations to the Congress and the President;

(4) publish and distribute material developed pursuant to the exercise of its responsibilities which is of interest to consumers;

(5) conduct conferences, surveys and investigations concerning the needs, interests and problems of consumers which do not significantly duplicate similar activities conducted by other Federal agencies;

(6) keep appropriate committees of Congress fully and currently informed of all its activities; and

(7) cooperate with and assist the Director of the Office of Consumer Affairs.

Section 204—Representation of Consumers. This section authorizes the Consumer Protection Agency to represent the interests of consumers in proceedings conducted by other Federal agencies under the provisions of the Administrative Procedures Act (5 U.S.C. 551, et seq.) and in actions pending before courts of the United States under the following circumstances:

Rulemaking and adjudications

If the Agency finds that the result of such a proceeding before a Federal agency may substantially affect the interests of consumers *and* that the interests of consumers may not be adequately protected unless the Agency does participate or intervene, *and* if the Agency files in the proceeding and issues publicly a written statement setting forth such findings and also stating concisely the specific interests of consumers to be protected, *then* the Agency *as a matter of right* may—

(1) *participate* in any *rulemaking* proceeding (other than one for internal operations);

(2) *intervene* as a party and enter an appearance (in accordance with the Federal agency's rules of practice and procedure) in any *adjudicatory* proceeding if it is not one seeking primarily to impose a fine, penalty, or forfeiture.

Adjudication primarily leading to fines, penalties or forfeitures and court actions when Federal Government a party

With respect to an adjudicatory proceeding before a Federal agency which does seek primarily to impose a fine, penalty or forfeiture, or to an action before a court of the United States in which the U.S. or a Federal agency is a party and which in either case it is the opinion of the Agency that the interests of consumers may be substantially affected, the Agency may, upon its own motion or at the request of the officer charged with presenting the case for the Federal agency or the United States, transmit relevant information or evidence. Furthermore, in the discretion of the agency or court, the Agency may appear as *amicus curiae*.

Court review of agency decisions

The Agency is also authorized (1) to *intervene* as a party in a *court review* of a rulemaking or an adjudicatory proceeding where it had already participated or intervened in the Federal agency proceeding; and (2) to *institute* a review in a competent court of such a Federal agency proceeding if a judicial review is otherwise accorded by law. If the Agency had *not* intervened or participated in the Federal agency proceeding it may also intervene in or institute an action for court review of the Federal agency's action if it could have intervened below and if the court finds that (1) the agency actions may adversely affect consumers *and* (2) the interests of consumers are not otherwise adequately represented in the actions. If law or Federal agency rules so require, the Agency must petition for a rehearing or reconsideration before seeking to institute a review proceeding.

Request to initiate a proceeding

The Administrator of the Agency is further authorized to request another Federal agency to *initiate* a proceeding or take such other actions as it may be authorized to take when he determines it to be in the interests of consumers. If the Federal agency fails to take the action requested, it is required to notify the Agency promptly of the reasons for its failure to do so and such notification shall be a matter of public record.

Orders for witnesses and information

In order to assist the Agency in its functions involving representation and to provide it with necessary information *when* the Agency has become a party to a proceeding before another Federal agency, it may request that Federal agency to issue and the Federal agency shall issue orders within its powers and subject to the usual rules of relevance and scope for the copying of documents, papers and records, summoning of witnesses, production of books and papers, and submission of information in writing.

Appearances by Agency

Appearances by the Consumer Protection Agency in Federal agency or court proceedings shall be in the Agency's name and shall be made by qualified representatives designated by the Administrator of the Agency. It is the intent of this legislation that the Agency direct and control its own representation of the interests of consumers.

No interventions in State or local proceedings

This legislation gives the Agency no authority to "intervene" in proceedings before State or local agencies and courts. But the Agency is not prohibited from communicating with Federal, State or local agencies in other manners not inconsistent with law or agency rules.

Section 205—Processing Consumer Complaints.—The Agency shall receive, evaluate, develop, act on and transmit to the appropriate Federal or non-Federal entities complaints concerning actions or practices which may be detrimental to the interests of consumers. Whenever the Agency may (a) receive or (b) develop on its own initiative such complaints or other information that may involve the violation of Federal laws, agency rules or court decrees, it shall (a) take such action as may be within its authority (for example, investigation) or (b) promptly transmit such complaints or other information to the appropriate Federal agency. If the latter, it shall ascertain the action taken by that agency. It shall also promptly notify the party against whom the complaint has been made.

The Agency shall maintain a *public document room* in which the complaints will be available for inspection. However, a complaint would only be listed and available for inspection (a) if the complainant had not requested confidentiality, *and* (b) after the party complained against has had 60 days to comment on the complaint and such comment, when received, is displayed together with the complaint, and (c) the entity to which it has been referred has had 60 days to notify the Agency what action it intends to take on the complaint.

Section 206—Consumer Information and Services. The Agency is authorized to develop on its own initiative, gather from other sources—both Federal and non-Federal—and disseminate in effective form to the public, information concerning its own functions; information about consumer products and services and information about problems encountered by consumers generally, including those commercial and trade practices which adversely affect consumers.

All Federal agencies which possess information which would be useful to consumers are authorized and directed to cooperate with both the Agency and the Office in making such information available to the public.

Section 207—Product Testing and Results. The Agency is directed to *encourage and support* through both public and private entities the development and application of *methods and techniques for testing* materials, mechanisms, components, structures and processes used in consumer products and for improving consumer services. It shall make recommendations to other Federal agencies on research which would be useful and beneficial to consumers.

The Agency is also directed to investigate and report to Congress on the desirability

and feasibility of establishing a National Consumer Information Foundation which would administer a voluntary, self-supporting *tag program* (similar to the "Tel-Tag" program of Great Britain) under which any manufacturer of a non-perishable consumer product to be sold at retail could be authorized to attach to each copy of such a tag, standard in form, on which would be found information based on uniform standards, relating to the performance, safety, durability and care of the product.

This section directs all Federal agencies possessing testing facilities to perform promptly to the greatest practicable extent within their capabilities such tests as the Administrator may require in connection with his representation function or the protection of consumer safety. Under these circumstances expeditious handling of testing requests would clearly be required. The provisions of law usually governing reimbursement for services would apply.

This bill forbids a Federal agency engaged in testing products under this section or the Administrator from declaring one product to be better, or a better buy, than any other product.

The Administrator is directed to review periodically products which have been tested to assure that such products and resulting information conform to the test results. Note, however, that section 209 below prohibits certain disclosures and protects trade secrets and other confidential business and financial data.

Section 208—Consumer Safety. The Agency shall conduct studies and investigations of the scope and adequacy of measures employed to protect consumers against unreasonable risks or injuries which may be caused by hazardous household products. It should consider identifying categories of hazardous household products and the extent to which industry self-regulation affords protection. Such studies and investigations should not duplicate activities of other Federal agencies.

Section 209—Prohibition Against Certain Disclosures. Any agency or instrumentality created by this legislation is forbidden to disclose to the public

(1) information (other than complaints listed and available for inspection under section 205 of this Act) in a form which would reveal trade secrets and commercial or financial information obtained from a person and privileged and confidential; or

(2) information received from a Federal agency when such agency has notified either of the instrumentalities created by this Act that the information is within the exceptions to the availability of information in 5 U.S.C. 552 and the Federal agency has determined that the information should not be made available to the public. This latter prohibition would make it clear that no agency or instrumentality created by this Act could serve either purposely or inadvertently as a conduit for information which would not otherwise be made available to the public.

This legislation does not require Federal agencies to release any information to instrumentalities created by the Act the disclosure of which is prohibited by law.

In releasing information, except in court or agency proceedings, three provisions are applicable:

(1) Data concerning consumer products and services is to be made public only after it has been determined to be accurate and not within the categories enumerated in 5 U.S.C. 552.

(2) In disseminating test results, or other information where product names may be disclosed it shall be made clear that not all products of a competitive nature have been tested, if such is the case, and that there is no intent to rate the products tested over those which were not tested or to imply that products tested are superior to those not tested.

(3) Additional information which would affect the fairness of information previously disseminated will be promptly disseminated in a similar manner.

Section 210—Procedural Fairness Requirements. In the exercise of various powers conferred the Agency shall act pursuant to rules issued, after notice and opportunity for comment by interested persons in accordance with administrative procedures required by 5 U.S.C. 553 relating to administrative procedures—rulemaking. This is to assure fairness to all affected parties and provide opportunity for comment on the proposed release of product test data, containing product names, *prior to such release.*

TITLE III

Section 301—Consumer Advisory Council. A Consumer Advisory Council will be established, composed of 15 members appointed for staggered terms of 5 years by the President. It will not be a constituent part of either the Agency or the Office but will work closely with them both.

The Council, whose members are to be experienced in consumer affairs and will be compensated when actually performing their duties, will advise the Administrator and the Director on matters relating to the consumer interest, including means for improving the effectiveness of the Agency and Office and the effectiveness of Federal consumer programs and operations.

The President shall designate the Chairman of the Council and the Administrator of the Agency or his designee will serve as Executive Director of the Council and provide needed staff assistance and facilities.

Section 302—Protection of Consumer Interest in Administrative Proceedings. Every Federal agency which takes any action substantially affecting the interests of consumers must give notice of such action to the Office and the Agency at such time as notice is given to the public or upon the request of the Agency; and consistent with its statutory responsibilities take such action with due consideration to the interests of consumers.

In taking such action the agency concerned shall, upon the request of the Agency or in those cases where a public announcement would normally be made, indicate concisely in a public announcement of such action the consideration given to the interests of consumers. To make certain that the failure of Federal agencies to make the required announcement would not result in a proliferation of collateral attacks by private parties on the decisions of the agencies, only the Agency itself may act to enforce this provision in a court.

Section 303—Saving Provisions. Nothing in this legislation shall alter or impair the authority of the Administrator of General Services to represent executive agencies in negotiations with carriers and other public utilities and in proceedings involving carriers or other public utilities before Federal and State regulatory bodies. Nor does this legislation alter or impair any provision of the anti-trust laws or any act providing for the regulation of the trade or commerce of the United States or the administration or enforcement of any such provision of law.

However, nothing in the legislation shall be construed as relieving any Federal agency of any authority or responsibility to protect and promote the interests of consumers.

Section 304—Definitions:

1. "Agency" means the Consumer Protection Agency.

2. "Office" means the Office of Consumer Affairs.

3. "agency", "agency action", "party", "rule-making", "adjudication", and "agency proceeding" shall have the same meaning as in the Administrative Procedures Act, now codified as 5 U.S.C. 551.

4. A "consumer" is any person who uses for personal, family or household purposes goods and services offered or furnished for a consideration.

5. The term "interests of consumers" means the cost, quality, purity, safety, durability, performance, effectiveness, dependability and availability, and adequacy of choice of goods and services offered or furnished to consumers; and the adequacy and accuracy of information relating to consumer goods and services (including labelling, packaging and advertising of contents, qualities and terms of sale).

Section 305—Conforming Amendments. The Director of the Office and the Administrator of the Agency are both placed on the Executive Schedule at Level III. ($40,000 per annum).

The Deputy Director of the Office and the Deputy Administrator are placed on the Executive Schedule at Level IV ($38,000 per annum).

Section 306—Appropriations. Authorizes the appropriation of such sums as may be required to carry out the provisions of this Act. No limitation is placed and fixing the amount will be in accordance with the annual appropriations process.

Section 307—Effective Date. The legislation takes effect 90 days after it has been approved, or earlier if the President so prescribes.

A NOMINATION THAT SHOULD BE WITHDRAWN

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VAN DEERLIN. Mr. Speaker, along with many colleagues on both sides of the aisle, I was gratified by President Nixon's recent announcement that he had selected a distinguished Mexican American, Mrs. Romana Banuelos, of Los Angeles, to become the next Treasurer of the United States.

Since many of the residents of my own border district are of Mexican descent, I naturally viewed this appointment as both praiseworthy and exemplary—never before had a Mexican-American woman held such a high Federal post.

You can imagine my sense of disappointment — and disillusionment — Mr. Speaker, when I read the newsstory this morning about the arrest yesterday of 36 illegal Mexican nationals at Mrs. Banuelos' highly successful food processing plant in the Los Angeles suburb of Gardena.

According to the press accounts, this was not the first, but the sixth time Mrs. Banuelos' establishment has been raided in the past 3 years for this violation.

As the Justice Department so swiftly pointed out yesterday, the onus for the employment of aliens illegally in this country rests on the aliens rather than their employers, who are not required to determine the immigration status of the people they hire.

But in my view, this technicality hardly exonerates Mrs. Banuelos. To suppose that as many as 36 persons could be illegally on her payroll without her knowledge overtaxes our credulity—and the lady's credibility.

As our distinguished colleague (Mr.

WHITE) pointed out in these pages yesterday, illegal aliens are taking away at least 1 million jobs from our own citizens. Every border area Congressman can validate Mr. WHITE's estimate.

What a disturbing commentary it is when one of our most successful Mexican-Americans is thus revealed as exploiting Mexican nationals at the expense of her jobless fellow Americans, including those of Mexican descent.

Mr. Speaker, it is with heavy heart that I must state my feeling that Mrs. Banuelos has demonstrated that she is not qualified to serve as Treasurer or in any other responsible position in the U.S. Government—not simply for employing illegal aliens, but for widening this administration's credibility gap.

Her nomination should be withdrawn, before it evolves into a Latin-flavored Carswell case.

Mrs. Banuelos' propensity for hiring these unfortunates evidently escaped the notice of the Federal agents who examined her credentials for high Federal service.

With more competent sleuthing, the President and the Justice Department should be able to come up with a genuinely qualified nominee from among the thousands upon thousands of our outstanding Mexican-American citizens. Many of us would be happy to suggest candidates.

At this point, I include the article from this morning's Los Angeles Times about the arrest of the illegal aliens in Mrs. Banuelos' place of business:

ILLEGAL ALIENS SEIZED IN PLANT OF WOMAN NAMED U.S. TREASURER

(By Harry Bernstein)

Federal immigration agents Tuesday caught 36 illegal aliens in a raid on a food processing company owned by Mrs. Romana Banuelos, who was nominated Sept. 20 by President Nixon to be Treasurer of the United States.

Between 30 and 35 other workers in Ramona's Food Products Co. plant in Gardena escaped the government agents by running out side and back doors, then scrambling over a chain fence nearly six feet high, discarding their white aprons and hats as they ran, agents said.

Mrs. Banuelos' $6 million-a-year corporation had been raided five times prior to Tuesday, and illegal aliens were found on each previous occasion by agents of the Immigration and Naturalization Service.

On Aug. 8, 1969, George K. Rosenberg, district director of the service for this area, sent Mrs. Banuelos' company a letter pleading for it to stop employing illegal aliens since "it not only encourages additional aliens to enter the United States illegally, but deprives United States citizens and lawful resident aliens of necessary employment."

Mrs. Banuelos, who was working at the plant when the raid was conducted Tuesday morning, said she never received the letter from the government and that she did not know illegal aliens were employed by her company.

She said the government move Tuesday may have been "part of an attempt by Democrats to block my nomination as Treasurer of the United States."

Six agents went to the plant at 13633 S. Western Ave. in Gardena, and were stopped by Carlos Torres, vice president of the company, who said the government agents failed to identify themselves properly.

After several minutes of discussion, the agents were admitted to the modern plant where about 140 workers, mostly women, were preparing packaged Mexican food products.

As the government officials entered the front door, about half of the work force began walking and then running out the back and side doors.

Twenty-four female workers went into a ladies' rest room, which is also a dressing room, while others raced out the back way and escaped over chain link fences.

Nine of the men were apprehended without a struggle as they were trying to run away. Three women were caught before they could enter the rest room.

After warning the women that they were coming in, the agents, accompanied by a female supervisor, entered the rest room where they found the workers hiding in the shower room, the toilet stalls and in metal lockers.

TO BE DEPORTED

The illegal aliens were then taken to immigration service headquarters and officials said they would be bussed back to Mexico, probably today.

Mrs. Banuelos, 46, did not leave her offices on the second floor of the building during the raid, but voiced her indignation to a newsman during an interview as the aliens were being taken away.

"I am not doing anything wrong," she insisted, adding:

"If I asked every person who came to us for a job about their immigration papers, I'd start a fight."

She said Ramona "pays good wages and our workers have good fringe benefits. Ask the Teamsters Union people. They have a contract with us."

Workers start at $1.65 an hour, but can earn more than $2.50 an hour, she said.

FRINGE BENEFITS

"We have a profit-sharing system and many other benefits, and nobody can make me appear a dirty person," Mrs. Banuelos said.

Mr. Nixon, in introducing Mrs. Banuelos at a ceremony in his Oval Office at the White House last month, said his Administration had "searched the country for a person of truly outstanding credentials and ability" to serve as Treasurer, and "I was delighted to find such a person in Mrs. Banuelos."

The President said that "in her extraordinarily successful career as a self-made businesswoman, Mrs. Banuelos has displayed exceptional initiative, perserverance and skill."

Her appointment is still subject to Senate confirmation.

Her son, Carlos Torres, 27, vice president of the company and a Los Angeles County deputy sheriff, said his firm does not ask job applicants about their status as aliens, and contended that "only small companies seem to get raided by Immigration."

He said that while the firm does not check on the citizenship papers of its workers, "Mexican people naturally make good workers and we like them. They work hard."

The company's general manager, Samuel Magana, contended that Ramona's "just can't get Americans to work. This whole thing is a matter of the government making people get off welfare. The Americans we get only come here and stay until they can get back on welfare."

While denying any knowledge of illegal aliens working at Ramona's Magana did say that illegal aliens "work hard because they know the risk they take when they come here."

He also said, "I believe it is against the law to ask a job applicant for his immigration papers, and so we do not ask for them."

In the letter Rosenberg sent to Ramona's asking for help in curbing employment of illegal aliens, he specifically said:

"Employers are permitted by law to inquire of their employes as to their right to be employed in the United States."

URGES LEGISLATION

Rosenberg said one key way to "eliminate this problem of the illegal aliens taking jobs from American citizens is to adopt legislation now pending in both Washington and Sacramento to make it a crime for employers to hire such aliens.

"We give employers who have been found employing illegals a booklet telling employers how easy it is to find out about the status of most of their workers," he said.

"If an employer continues to hire illegal aliens in large numbers, then I have to conclude as a reasonable person that they don't give a damn," he said.

Since any person can get a Social Security number by simply asking for one, the government warns employers who have been using illegal aliens that it is not enough just to ask a prospective employe for a Social Security number, he said.

FEW APPREHENDED

Rosenberg said it is estimated that only one illegal alien out of every three or four is actually apprehended, which means there are hundreds of thousands still living and working in this country.

In the past fiscal year, 820,241 illegal aliens, mostly Mexican nationals, were expelled.

Mrs. Banuelos contended that the raid Tuesday was known in advance to "some Democrats."

"Four or five days ago, Paul Hernandez, president of the Pan American National Bank, told me a certain fellow from the Democratic Party said the Immigration might raid my company to try and block your appointment as Treasurer," Mrs. Banuelos said.

Hernandez, she added, was given the information by Philip Montez, western regional director of the U.S. Commission on Civil Rights.

(Mrs. Banuelos is the founder and chairman of the Pan American National Bank.)

The bank president, Hernandez, said Tuesday that he had "heard a rumor, but I know nothing more about it," and he would not say whether the rumor of a raid on Ramona's came from Montez.

Montez said he was called by someone whom he would not identify, but that the person asked only whether Mrs. Banuelos' plant had ever been raided by the government before.

There was nothing in that call to suggest knowledge of any plan to discredit Mrs. Banuelos, Montez said.

Rosenberg said the "investigation of the Ramona company was made because the firm is still in our active file as a company where illegal aliens are likely to be found, and were found again as recently as today (Tuesday)."

IN OPPOSITION TO THE PRESIDENT'S PROPOSED REORGANIZATION OF THE EXECUTIVE BRANCH OF THE FEDERAL GOVERNMENT

The SPEAKER. Under a previous order of the House, the gentleman from Missouri (Mr. BURLISON) is recognized for 60 minutes.

Mr. BURLISON of Missouri. Mr. Speaker, in his state of the Union address at the beginning of this year, President Nixon announced that he would submit to the Congress a comprehensive plan for the reorganization of the executive branch of the Federal Government. The most important part of this proposal, and the one with the most far-reaching consequences, is his plan for the reorganization of the cabinet level departments.

The cabinet now has 11 departments. It did have 12 until the Post Office Department was transformed into the new U.S. Postal Service. The President's plan calls for eight departments. The Departments of State, Treasury, Justice, and Defense would remain much as they are now. The remaining departments—Agriculture, Interior, Commerce, Labor, HEW, HUD, and Transportation—would be lumped together into four new super departments. These new departments would be named the Departments of Economic Affairs, Community Development, Human Resources, and Natural Resources.

The Department of Agriculture, like most of the present Departments, would be broken up and scattered among the four new ones. For instance, the Forest Service, the Soil Conservation Service, the Soil and Water Conservation Research Division of the Agricultural Research Service, the Natural Resource Economics Division of the Economic Research Service, and the FHA Watershed Protection, Flood Protection, and recreation loans would be transferred to the new Department of Natural Resources.

The new Department of Community Development would encompass the REA, the housing and water and waste disposal grant and loan functions of the FHA, and the Economic Development Division of the Economic Research Service. The Food and Nutrition Service, the Food Inspection programs of the Consumer and Marketing Service, plus the Human Nutrition and Home Economics Research Programs of the Agricultural Research Service would be included in the new Department of Human Resources.

The proposed Department of Economic Affairs would contain the majority of present Department of Agriculture programs. It would include the Agricultural Stabilization and Conservation Service, the Export Marketing Service, the Foreign Agricultural Service, the Federal Crop Insurance Corporation, and the Commodity Exchange Authority. Also in this department would be the Extension Service, the Cooperative State Research Service, the Farm and Operations Loans of the FHA, the Farmers Cooperative Service, the National Agricultural Library, the Foreign Economic Development Service, the Statistical Reporting Service, the Packers and Stockyards Administration, and the remaining portions of the Economic Research Service, the Consumer Marketing Service, and the Agricultural Research Service.

As you can readily see, the Department of Agriculture, the stronghold of the American farmer, would be widely scattered and dispersed. Take as an example the Farmers Home Administration which works directly with a large portion of our farmers. It alone will be divided among three of the new departments. With agriculture reporting to the new Secretary with a voice representing only 5 percent of the population, will it be heard above the voices of labor and commerce? I do not think so. We need a forceful spokesman to speak to the President for the farmer. This is the only way we can offset the influence of the larger constituencies. The Department of Agriculture was established to look out for the interests of the farmer. That is exactly what it has done and should continue to do. Any attempt to eliminate the Department of Agriculture as a separate agency of the Government is an insult and a slap to the farmer. I, therefore, oppose the President's reorganization proposal. As Senator TALMADGE has said:

> This proposal would be similar to trying to cure a sick man by cutting out his heart.

My major objections to the plan are that: First, it would remove agricultural programs and agencies from the direct control of an accountable Secretary of Agriculture, and second, it would shift the primary focus of Government agencies and programs away from benefiting the farmers as such, and toward rural development generally. Farmers would benefit from Government programs indirectly as a part of rural development, rather than directly as farmers; third, it would abolish the Department of Agriculture, and in so doing, would diminish the farmers' voice and influence on, and within, the Federal Government.

It has been suggested that with four large departments, major decisions would be made by the departmental secretaries rather than by the White House. The departments would be less likely to buck their problems to the President, and, therefore, the President would lose additional contact with the Government he is supposed to supervise.

There is a strong possibility that the Department of Natural Resources may fall under the control of the energy resource interests. Fossil fuels supply the majority of the energy market. Oil is king of the fossil fuels and is now acquiring ownership of other energy sources, especially coal. Agencies such as the REA and the Atomic Energy Commission which are strong today in their own right, might be subordinated by the oil, connected agencies in their access to the secretary and their ability to demand funds under this new setup.

In the past, attempts to consolidate agencies have not been as successful as had been hoped. A case in point was the attempted inclusion of the Federal Maritime Commission and the Civil Aeronautics Board in the Department of Transportation. It was hoped that a combined national transportation policy would emerge. This did not happen because each agency was designed to administer a separate set of laws and regulations. This could be the result of the newly proposed combination.

Presidents since Roosevelt have tried to increase and decrease the support for particular Government programs by raising and lowering them in the bureaucratic hierarchy. By raising them closer to the President, they gain access to the President and have a stronger voice. On the other hand, lowering them further from the President gives them less access and a weaker voice. Under the reorganization plan, farm programs would be lowered at least one rung on the ladder.

I have also noted that three secretaries of the Department of HEW, Secretaries Ribicoff, Gardner, and Finch, have claimed that HEW, the department with the largest conglomeration of programs, is unmanageable. If this is true, why, I ask, should we make even larger departments with an even wider panorama of programs? Mammoth departments would be more remote and would fail to serve the diversified segments of our population. Political power and influence in Government are built around constituencies. With the responsibilities of the Department of Agriculture split among four of the new proposed departments, the constituent strength, hence the power and influence of the American farmer, will also be split or diffused.

Another agency of importance to the people of Missouri's 10th District, as well as the mid-south and other areas, is the U.S. Army Corps of Engineers. The major operations of the corps would remain with the Department of Defense. However, the critical planning, evaluation, and funding functions would be moved to the new Department of Natural Resources. This could only add to the already frustrating and lengthy process of obtaining flood control projects for our areas.

The timing of the reorganization is poor. This plan proposes to weaken farm programs and policies at a time of depressed conditions in the agricultural sector. An organizational framework for coordination of farm and rural programs is now being formed in the Department of Agriculture in an effort to revitalize rural America. The President's plan would abolish the Department and fragment this structure for coordination at a time when it is just beginning to emerge.

I am afraid that combining farm programs with commerce activities and labor problems would definitely add to the detriment and eventual disappearance of the family farm and its social and economic values. Farming is the number one business in rural America, and the number one activity for generating the income of bankers, grocers, implement dealers, and others in rural communities and small towns. In this sense, farming is the foundation on which rural development must be built. If the farms go, so will the communities dependent upon them, thus creating a shift of power, not back to the people, but to the corporate community.

The President's reorganization plan ignores the fact that rural programs relate directly to one another because the problems of rural America are directly related. The human, economic, natural, and community resources of the rural communities are inseparable. The farmers need a Department of Agriculture. The President's plan does not include one. Therefore, I cannot approve of this proposal. I favor a stronger, more efficient, and more responsive Department of Agriculture.

Mr. Speaker, this is not to say that I agree with every ruling and decision made by the Secretary of Agriculture. Most of us do not. Our efforts, however, should be in the realm of changing those undesirable rulings or changing the administration, rather than eliminating our spokesman. To paraphrase something you may recall having heard before:

I may not agree with everything the Secretary of Agriculture says, but I will defend with my political life his existence to say it.

Mr. MELCHER. Mr. Speaker, will the gentleman yield?

Mr. BURLISON of Missouri. Mr. Speaker, I yield to the gentleman from Montana.

Mr. MELCHER. Mr. Speaker, I want to commend the gentleman from Missouri for taking this time today to bring to the attention of the House an important proposition that is confronting us. I particularly want to address my remarks to some of the phases that will be considered by the Department of Agriculture as it views its place and function in the Government; its place and function in carrying out the mandates that Congress has given to it; and its place and function and its responsibilities to the people of this country.

HARI-KARI AT THE USDA

Hari-kari, a cultural form of suicide practiced by some fanatics in Japan, is not to my liking. I have more objection to it than from just the moral values in which I believe. Man's life is a gift from God and should not be terminated by his own action. In addition, I think the form of suicide involved in hari-kari where one disembowels himself is messy, gory, and extremely cruel. I do not think it will ever catch on and become a part of the American culture. It is fading out in Japan, too.

So it is with a great deal of surprise that we are now witnessing an attempt by the venerable U.S. Department of Agriculture to commit a slow, gradual, painful act of hari-kari. Once committed, the guts would be strewn all over the country. Whoever the Department's critics may be and wherever they live throughout this Nation, no one should allow the current leaders at USDA to start on the suicide procedure they are now proposing.

In a proposal for shuffling and consolidating positions and department staffs, titles, functions, duties, and programs, the Secretary and all the staff of the Department of Agriculture would be transferred to low level jobs in the Department of Interior, renamed Resources, or the Department of Commerce, renamed something else. But they can take comfort in the fact that no one believes that the President's proposal to conglomerate Interior, Agriculture, Commerce and Labor, will ever come about.

Although I am greatly concerned with the President's proposal, there are other reorganization plans not as vast nor as sweeping, but nevertheless dangerous and foolhardy, that are being contemplated within the Department of Agriculture.

Later this month, Agriculture Secretary Clifford Hardin is listed as a speaker in the U.S. Animal Health Association annual meeting at Oklahoma City. The title of his talk on Monday evening, October 25, is given on the program as "Decentralization of Federal Government Agencies—Project 4."

The U.S. Animal Health Association is holding their 75th annual meeting so they are not a Johnny-come-lately crowd but are veterans of the long and continuous fight to control animal disease.

Within the Department of Agriculture one of the important functions is the task of controlling and eradicating animal diseases. They have worked hand in glove with the many members of the U.S. Animal Health Association during the past seven decades. Drs. Theobald Smith and F. L. Kilbourne discovered the cause of tick fever in cattle which, incidentally, also led to the control of yellow fever, malaria, and typhus in man. Following the discovery work on the cause of tick fever, the Department veterinarians cooperating with the States ended this cattle disease in the United States. They worked on tuberculosis, brucellocis, and have all but eradicated these diseases in the United States. Often the research into the cause and control of animal disease contributes to our understanding of those diseases that affect mankind. Control of animal diseases, particularly those that are infectious for man such as the latter two—tuberculosis and brucellosis is of special significance in public health.

In this area the strong leadership of the Federal forces, cooperating with the States is of special significance. The Department veterinarians led the fight when hoof and mouth disease invaded or threatened this country and this year, although somewhat belatedly, led in the control of Venezuelan Equine Enchephalomyelitis when it broke out in Texas, a disease sometimes contracted by humans. The States also have their staffs to control and fight animal diseases. Through the years they have gradually worked out an acceptable relationship with the Federal forces in the U.S. Department of Agriculture. They now usually supplement each other. This is not to say there are not times of friction or that there are not times of overlapping and duplication. There certainly have been, there are now, and undoubtedly will be in the future.

There is a problem of money, too. Sometimes it does not go far enough on the Federal level and often is short on the State level and the pooled cooperative agreements end up being underfunded.

But in spite of its shortcomings, some excellent work has been done and devastating diseases controlled. Now comes a proposal by the Department of Agriculture to evaluate what they can do to decentralize their functions. In this regard, all aspects of the Department's work is being considered, but I wish to address myself at this time only to the Department's function in controlling and eradicating animal diseases and protecting the health of both animals and people as it is affected by these diseases. We have detailed Federal statutes concerning the production, processing, and distribution of meat and poultry products, milk, eggs, and numerous other agricultural products. To the extent that these statutes already outline the responsibilities of the Department and the States and other Government agencies, re-evaluation of these functions is not under consideration. But Agriculture has a vast area of powers, duties and programs and it has inquired of the States as to their recommendations to facilitate and expedite the various functions. It is in essence an invitation to the States to recommend transfer of responsibilities from the Federal level to the individual State levels.

The Department plan to decentralize Federal programs among the States is called Project 4. A task force and a steering committee have been assessing ways and means of placing control and regulations with individual States that want the responsibility. Project 4 envisions turning back to the States many of the responsibilities for controlling animal diseases and for the programs which guard against those diseases. Of course Project 4 does envision maintaining existing standards while permitting the States to have a greater voice in determining the thrust and the focal points of their own programs. The money to finance the programs would flow from the Federal Treasury to the State treasuries.

On the surface it does not sound too bad, but underneath the veneer of phrases of "local control and less bureaucracy" lies the danger of disemboweling a Federal-State relationship that has been forced cautiously and gradually since the turn of the century. We really never got anywhere in controlling the animal diseases I have mentioned, and the many others I have not enumerated, and did not even hope for eradication of any of them until the leadership and forces were developed on the Federal level. The reason for that, naturally, is that the State boundaries do not mean anything to the viruses, bacteria, protozoan, and insects that cause and spread the diseases that affect man or animals. There certainly is a need for both State and Federal participation in disease control work, but it takes a combination of the States involved working together under the leadership of one authority.

Will Rogers once said that veterinarians had to be smart because their patients could never tell them when they were sick or where they hurt. Outbreaks of contagious diseases in animals are often more explosive than in people, and result in epidemics. Prompt and vigorous action to bring an epidemic under control is necessary in the case of diseases that are widespread and especially when they are a threat to the health of man or are extremely contagious. Swift and conclusive leadership of one or the other group, State or Federal, is essential.

In this regard, the forces within the Department of Agriculture that control or prevent animal diseases have some pretty good credentials. I am not going to attempt to list them for you today, but I can assure you that they are good enough to make me believe that any plan to weaken or diffuse the Federal responsibility and Federal action on animal disease control work should not be permitted.

I do not know what Secretary Hardin is going to say about Project 4 when he gives his talk in Oklahoma City, but I hope it is along the lines I have been talking about today. I think it is essential that he reassure all of us that in this important field of controlling animal dis-

eases there will not be one iota of weakening the Department's efforts or responsibilities. It is too important to all of us, no matter where we live in the 50 States, that a positive Federal responsibility for control of animal diseases be continued. Project 4 would diffuse this responsibility, would be a weakening of the system, and would in effect be a form of hari-kari for this function of the Department of Agriculture. The tragedy would be slipping back to positions from which we have struggled upward for over a half century as we faced and fought the diseases that plague animals.

Mr. BURLISON of Missouri. I appreciate very much the contribution of the gentleman from Montana, a respected member of the Committee on Agriculture.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. BURLISON of Missouri. I am delighted to yield to my colleague from Missouri (Mr. HUNGATE).

Mr. HUNGATE. I thank the gentleman for yielding.

Mr. Speaker, I am particularly pleased to join with my colleague from Missouri in what I regard as a very worthwhile cause. We in Missouri have long had a great interest in the subject of agriculture. It is one of the most important, if not the most important, industry in the State, and we have been blessed with many great Congressmen who have spoken out in the cause of agriculture. We could go back to Congressman Hatch of Hannibal, who is known as the father of the Department of Agriculture. The predecessor of Congressman BURLISON in Congress, Paul Jones, served ably on the Committee on Agriculture. When he left the Congress we thought there would never be—and there will never be—another Paul Jones, but we are fortunate to have a Congressman like him in Congressman BURLISON, who speaks with great courage and ability and is very dedicated to the cause of improving life on the farm and the agribusiness associated with farming.

The importance of agriculture is very easily overlooked today, when much of our attention fixes in the urban areas. William Jennings Bryan, a man with very little favorable reputation in my district, did make one statement that I think was eminently correct. He said that if you burned down the cities and destroyed the cities of America, they would rise again from the ashes as if by magic. But if you destroyed the farms and rural areas of this country, the country would sink from sight and there would be no great America as we know it.

Of course, we know that Thomas Jefferson said that we should have no fear for our democratic—or, if you will, Republican—form of government, so long as the country remained agricultural, and Mr. Jefferson becomes wiser with the years.

Mr. Speaker, In view of the great concern in my congressional district, I would like to urge continuance of the U.S. Department of Agriculture as a separate department of the Federal Government.

There are millions of farmers throughout our Nation who have become familiar with and have benefited from this department devoted to agriculture. It has been successful in dealing with the special problems and needs of the farm community.

Historically, agriculture has been a most important segment of our economy, of our country, and we must maintain the best possible Federal-level service to this integral part of America.

I cannot overemphasize the importance of this agency to farmers. The Department of Agriculture has developed many useful and worthwhile programs for farmers; it coordinates services and represents the farmers' interests when other Federal agencies are developing programs that will affect farmers.

The Department of Agriculture has evolved over the years as an effective and vital source of protection for farmers. I can only believe that elimination of the Department would have the most adverse affects on agriculture.

Mr. BURLISON of Missouri. Mr. Speaker, I appreciate very much the contribution of the gentleman from Missouri (Mr. HUNGATE).

Mr. ABOUREZK. Mr. Speaker, will the gentleman yield?

Mr. BURLISON of Missouri. I yield to the gentleman from South Dakota.

Mr. ABOUREZK. Mr. Speaker, I would like to thank my colleague, Congressman BURLISON of Missouri, for arranging this special order to allow a discussion of the proposal of the administration to reorganize the executive branch. I know that this is a reflection of his concern, which I share, that the dispersal of the Department of Agriculture over four new executive departments will effectively destroy a coordinated agency which speaks for and develops programs in the interest of the American farmer.

It seems to me that this dispersal plan is just another bureaucratic scheme reflecting the total failure of the White House flow charts' experts to understand the needs of farm families in States like South Dakota. While the Agriculture Department under Clifford Hardin has certainly not led the way in helping farmers and ranchers, leaving protection of our rural economy to huge superdepartments dominated by nonrural interests would be even worse.

Perhaps the administration believes that our country has become so urbanized and that agriculture plays such a small part in our national life that we no longer need the Department of Agriculture. I do not. In fact, when I look at the silly farm regulations that come from departments other than Agriculture, regulations like the farm truck driver qualifications proposed by the Department of Transportation, I am convinced that if anything, the Department of Agriculture should be strengthened. The farm truck regulation that I refer to looked good on paper in the Transportation Department, but to the farmer who counts on his son for help, it looked like a disaster. Even today's Agriculture Department would have known that farm youths have been driving trucks for years by the time they reach age 18. But the Transportation Department apparently did not know that and they almost got away with a regulation that would have kept our farm youths off the roads. We managed to stop them on the farm truck issue, but with nonagriculture people making all the decisions once the Agriculture Department is gone, it will be impossible to get anyone to listen to the commonsense viewpoint of the working farmer and rancher.

The new proposals of the President provides for the consolidation of seven executive branch departments and about a dozen independent agencies, boards, and commissions into four new executive departments. These would be called the Department of Community Development, the Department of Economic Affairs, the Department of Natural Resources, and the Department of Human Resources.

The Department of Agriculture would be dismantled with its functions spread among all four of the new departments.

The Department of Agriculture was established 109 years ago. The original act provided:

> That there is hereby established at the seat of Government of the United States a Department of Agriculture, the general designs and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture in the most general comprehensive sense of that word, and to procure, propagate, and distribute among people new and valuable seeds and plants.

The law was very broad in scope. It gave the Department great latitude and discretion.

History has shown that the Department of Agriculture has used its discretionary powers in a manner that has helped to produce the most productive agricultural economy in the world. One hour of farm labor produces nearly seven times as much food and other crops as it did 50 years ago. Crop production per acre and output per breeding animal have doubled.

Productivity of the American farmworker in the 1960's increased by 6 percent a year. Output per man-hour in nonagricultural industry increased by only about 3 percent a year. About the turn of the century one farmworker produced enough food and other agricultural products for himself and seven other persons. Today he produces food, fiber, and other commodities for himself and 46 others.

Because of the phenomenal increase in farm productivity, consumers in the United States in 1970, spent only 16.7 percent of their disposable income for food, compared with 20 percent in 1960, 22 percent in 1940, and 24 percent in 1930. A major factor accounting for this has been research carried on by the Department of Agriculture which led to the development of improved farming methods, development of new seeds, improved livestock breeding and care, and the development of new farm technology generally. Of course, the willingness of farmers to apply the new technology about as rapidly as it was made available to them must also be recognized.

Even though farms have increased in size and decreased in number during the past 30 years, the family farm is still predominant throughout the Nation.

In view of this major contribution to

our society, it appears ironic that a proposal is being seriously considered to dismantle the Department of Agriculture. It is alleged by reorganization proponents that while the proposals will result in the disestablishment of the Department of Agriculture, the needs and interests of farmers will be significantly better served than at present. However, I find this argument hard to believe. Political power and influence in Government are built around constituents. With the responsibilities of the Department of Agriculture split among four new Departments, constituent strength, hence the power and influence of the American farmer, will be equally split.

A good illustration of the dilution of farmer influence in the determination of Government actions under the new proposal would be the new Department of Economic Affairs. As pointed out by the National Grange:

> The Administrator for Farms and Agriculture would supervise Farm Income Stabilization, Commodity Grading and Standards Service, Conservation Assistance, Farm Business Loans, and Agricultural Research and Extension Service. He would report to one or more of five Assistant Secretaries or directly to the Deputy Secretary or Secretary.

Under such an arrangement "the Administrator could be five times removed from the President." It was further pointed out by the Grange, that if the Administrator reports directly to the Secretary, he will be in competition for the attention of the Secretary with the Administrators for Business Development, Social, Economic, and Technical Information, Labor Relations and Standards, National Transportation and International Economics. With agriculture reporting to the same Secretary as labor and commerce, how can it be assumed that the voice of agriculture representing a smaller percent of the total population will be heard over the voices of the much larger constituencies of labor and commerce? It appears abundantly clear that if the needs of agriculture are to be adequately met, and if we in the United States are to maintain an economically strong family farm structure, we must have a forceful spokesman to speak to the President of the United States on behalf of the farmer.

An editorial in the February 26, 1971, issue of the Des Moines Register, among other comments, stated:

> We see it as another instance where agricultural affairs would be run by government agencies who don't know farming and who don't understand rural areas. There is more than just a change in labels here: The Present functions of the United States Department of Agriculture would become a subordinate part of larger departments.
>
> There would no longer be a secretary of Agriculture to speak for farmers and for American agriculture to the White House.

The American farmers and rural people generally, understand the functions of the Department of Agriculture. They are familiar with the vast number of agencies within the Department dealing with the many problems which farmers face from time to time. They may not always know the specific agency to contact with respect to a given problem, but they do know that the desired information and help can be secured from the Department of Agriculture. Under the proposed reorganization it would be a matter of guessing which department to contact. A case in point is the Agricultural Research Service. Currently the functions concerning agricultural research are centered in the Department of Agriculture. It would be necessary to contact only one agency for information. Under the proposed reorganization, research functions of one kind or another would be carried on in all four of the new departments.

Agricultural research activities are now well coordinated in the Department of Agriculture. Dividing these research functions among four different departments would be more costly and less efficient.

Tony Dechant, president of the National Farmers Union, argues that the proposed reorganization would spread agricultural programs through four new agencies on the basis of a superficial definition of their functions. He pointed out that—

> It ignores the fact that these programs relate directly with one another, because the problems of rural America relate directly with one another.

Instead of dismantling the Department, Dechant recommends an opposite course:

> The Department of Agriculture should be strengthened and more closely coordinated. The human, economic, natural and community resources of rural America are inseparable.

I could not agree with Tony more.

The problems of farm income cannot be solved outside the context of natural resources and rural community development requires primary attention to human resources.

American agriculture is still the Nation's largest industry. It is composed of nearly 3 million independent producers and employs some 4.5 million workers. Its assets total $317 billion, equal to about two-thirds of the value of current assets of all corporations in the United States or about one-half of the market value of all corporation stocks on the New York Stock Exchange, according to a recent report of House Committee on Agriculture. The value of agriculture's production assets represents approximately $54,000 for farmworker, about double that of each manufacturing employee.

Farmers are also good customers. They spend more than $40 billion a year for goods and services to produce crops and livestock and another $16 billion a year for the same things that city people buy—food, clothing, drugs, furniture, appliances, and other goods and services.

In view of the importance of agriculture to the Nation and the achievements of the Department of Agriculture which have been instrumental in developing an agricultural economy that is the envy of the world, we must not permit that Department to be weakened by dividing it among four newly created departments. We should instead work to strengthen the Department to make its voice more reflective of what farmers want and then to make their voice heard in the high councils of government.

Mr. BURLISON of Missouri. I thank the gentleman from South Dakota for his contribution.

Mr. Chairman, I yield to the gentleman from North Dakota (Mr. LINK).

Mr. LINK. Mr. Speaker, I thank the honorable gentleman from Missouri (Mr. BURLISON) a most valued member of the Committee on Agriculture, on which I serve, for his efforts in making this time available, so that those of us who have a deep and long understanding of and devotion to agriculture and the rural community of America might have the opportunity to present a case for the continued place of agriculture as a department in the executive branch of the Government.

Agriculture is this Nation's most basic industry, because it provides food and fiber, the necessary ingredients to sustain human life. As such, a healthy agriculture is indispensable for a healthy national economy.

Farming employs 4.5 million workers—more than the combined employment in transportation, public utilities, the steel industry, and the automobile industry.

Farming consists of 3 million independent producers.

Farming creates 8 million jobs in industries related to agriculture. Three of every 10 jobs in private industry are related to agriculture.

Farmers spend more than $40 billion a year for goods and services to produce crops and livestock and another $16 billion a year for food, clothing, drugs, furniture, appliances, and other products and services.

Because of the importance of agriculture, we have a Cabinet-level agency, the U.S. Department of Agriculture, to focus on the problems of food and fiber production since 1862.

Early this year, President Nixon advanced a proposal to slice up the Department of Agriculture into four new superagencies—the Departments of Economic Affairs, Community Development, Human Resources, and Natural Resources.

Here is the hodgepodge that would result:

The Agriculture Stabilization and Conservation Service, part of the Farmers Home Administration, part of the Agricultural Research Service and the Extension Service would be transferred to the new Department of Economic Affairs.

The Rural Electrification Administration and another part of the Farmers Home Administration would be transferred to the new Department of Community Development.

The school lunch program, the special milk program and part of the Agricultural Research Service would be transferred to the new Department of Human Resources.

The Forest Service, the Soil Conservation Service, a third part of the Farmers Home Administration, and still another part of the Agricultural Research Service would be transferred to the new Department of Natural Resources.

Rather than to abolish the Agriculture Department, the constructive approach

is to strengthen and coordinate the Department and to cut its red tape—and I am confident this can be done.

Abolishing the Agriculture Department would destroy the focus the Federal Government has given agricultural problems since the creation of the Department 109 years ago. It would further weaken the already weakened voice of the farmer in Washington.

The President's proposal comes at a time when farmers are caught in a cruel cost-price squeeze that has led during the past 20 years to a 52-percent rise in the prices farmers must pay for all items, while the prices received have increased only 7.8 percent.

And the President's proposal comes at a time when there is a strong national need to achieve a better population balance in the United States. By increasing farm income and promoting new economic enterprise in rural America, we will stop the migration to the Nation's overcrowded cities, clogged in traffic, choking on pollution, grappling with rising crime rates, and other serious problems.

Clearly, the Agriculture Department is needed as never before to find solutions to these problems and to maintain a balance to American life—economic, geographic, and social.

Mr. BURLISON of Missouri. Mr. Speaker, I thank the gentleman for his contribution.

I am delighted to yield now to my friend and colleague from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Speaker, I shall oppose the proposal of this administration's reorganization plan which calls for eliminating the Secretary of Agriculture from the President's Cabinet and moving the Department of Agriculture from its position as a front-line agency to a lower tier within the suggested Department of Economic Affairs.

In attempts to dissolve organizational problems at the masthead of our Government, by shifting and streamlining structures and organizational functions it seems to me that some problems may be eliminated only to reappear in larger, more harmful dosages elsewhere in the Government. I fear that if we transport the executive's responsibilities with respect to agriculture to a sublevel, as proposed, American agriculture will be downgraded.

Today, agriculture in America is in the midst of crisis. The family farmer is being squeezed out by the development of certain corporate farm systems. Farmworkers are still the lowest-paid workers in the country. A union that was recently awarded a $1.85 per hour wage recently cheered heartily, for even the prospect of this minimal figure had seemed dismal. However, such wage attractions have caused thousands of our farmers and farmworkers to leave their rural communities for urban jobs, only to compound the problems of our overcrowded cities. These facts, Mr. Chairman, lead me to believe that American agriculture, which still accounts for a large share of our GNP and represents 2.9 million citizens, deserves the guidance, representation, and policymaking effectiveness of a member of the President's Cabinet and a special department to support all the many facets of American agriculture.

In considering the present executive proposal, I have carefully weighed its advantages and disadvantages. Whereas the Federal Government, that is, the Executive, might achieve big strides in administrative output, I see a backward step in leadership output. In other words, where the infrastructure of the Federal Government may be improved, the external product, which in this case should be "the best of all possible national agriculture policies," is not improved; in fact, it is weakened.

By eliminating the Secretary of Agriculture and his front-line Department, American agriculture may very well suffer the following: loss of the special recognition it deserves as a supporting arch of our economy; loss of independence as a viable, competitive instrument in helping America lead the nations of the world; loss of a high-level audience for its special problems; loss of a bargaining chip for better economic conditions for the family farmer, cooperatives, and corporate systems as well; loss of a significant conduit for the transmission of ideas and technological advances; loss of a competitive pillar to uphold firm positions and appropriate judgments among the more superstructured agencies of the Government. In essence, relocating agriculture in the Government, as proposed, is to demote the importance of agriculture in our land. We have already reached a period in history where if we show any less concern for agriculture, the farmer may well be the new "vanishing American."

The Secretary of Agriculture, now and in the past has always been an expert in his field, able to advise the President on agricultural affairs. A strong department under his care and supervision enables him to extend his influence quickly and efficiently without having to penetrate any middle-ground or buffer-zone. Under the reorganization proposal, he would become simply an "Administrator for Farms and Agriculture" in the larger "Department of Economic Affairs." He would serve in this new department along with five other administrators, one for national transportation, another for international economics, and so on. These administrators do not advise the President. They only report to an undersecretary, deputy, or secretary of the department. So, where we have a lack of special expertise by the President himself, which is understandable, we also have a lack of special expertise by the secretary who is supposed to advise him. I cannot visualize any secretary of the Department of Economic Affairs becoming an expert in the required sense in all of the areas his department would hold responsibility for. It seems that if the reorganization proposal is implemented, the President's cabinet members are just not going to be able to provide all the special expertise that the President needs. The gap between the President and the categorical departments of the executive branch would be drastically widened, and the credibility between them greatly shortened.

The architecture of the executive reorganization proposal rests on an understanding that each of the categorical departments are related and tied together by common purposes and problems. This may be true in some instances. The executive agencies and departments have always been interdependent. But this does not mean that interdependency is served best by having everyone jump into the same bed under the same set of sheets. As this Nation has learned better than any other, sovereignty is a prerequisite for an harmonious balance among structures that have individual identities.

To achieve peak levels in agriculture, the Federal Government must retain a strong, independent force to form and regulate policy, and to advise the President. That force has been and should remain the Secretary of Agriculture and the Department he presently manages. There just cannot be a workable alternative, especially none in the development of some substrata office several tiers removed from the Chief Executive.

Mr. BURLISON of Missouri. I thank the gentleman from Missouri for his remarks.

Mr. MATHIS of Georgia. Mr. Speaker, the President's proposal to reorganize the Federal Government—and in the process abolish the Department of Agriculture—has not been received with open arms in my State and District.

Although I realize this proposal is still very much alive, I have heard from a number of Georgians who would most likely volunteer to serve as pallbearers if a funeral for the proposal can be arranged.

As I understand the reorganization plan, it calls for restructuring seven cabinet-level Departments and a number of independent agencies into four new super departments. The Department of Agriculture would have some of its functions transferred to each of the four new departments which would be called the Department of Economic Affairs, the Department of Community Affairs, the Department of Human Resources and the Department of Natural Resources.

If the plan should be approved, the Rural Electrification Administration, for example, would be placed in the Department of Community Development along with programs for urban mass transit, highway safety, urban community development, community action, Federal riot insurance, crime insurance, and subsidized housing. In addition, the Department of Community Development would include a conglomeration of other programs borrowed from HEW, HUD, OEO, Agriculture, Transportation, Commerce, SBA, OEP, and others.

Do you think the primary interest and the background of the person selected to head up such a department would be urban or rural? I think I know the answer to that question, and it would not set too well with my farmers.

Mr. Speaker, agriculture continues to be the foremost contributor to the eco-

nomic well-being of this Nation and its people. Therefore, it does not stand to reason that American agriculture should be denied a representative in the President's Cabinet and a Federal agency which has the mission of working for and with the American farmer and rural America.

Executive reorganization for the purpose of promoting economy in government and eliminating any duplication of efforts among the various agencies is desirable on the surface. But the creation of a superagency will not necessarily accomplish these goals.

We already have one super-agency called the Department of Health, Education, and Welfare. It was established under the last Republican administration to consolidate existing agencies with a common interest.

HEW is an administrative nightmare, to say the least. It makes little sense, in my opinion, to create four more HEW-type departments.

As big and impersonal as Government is now, at least the worker has the Department of Labor, the small businessman has the Department of Commerce, and the farmer has the Department of Agriculture to turn to as a place to express his grievances and a place to find some understanding for his problems.

The farmer's voice in Washington is already weak. To eliminate the Department of Agriculture would destroy any influence the farmer may have left in this urban-dominated Government.

In closing, I would like to congratulate my colleague from Missouri for taking this special order today. He has performed a great service for the rural people of America.

The very fact that he has taken the leadership in calling this problem to the attention of the American people demonstrates his concern with the farmers, the farm families, and the agribusiness industries in his State of Missouri. I know that the agricultural interests in Missouri have a friend in BILL BURLISON, and after serving in this House with the gentleman from Missouri, I can understand why he has the friendship and support of his constituents. BILL BURLISON is an outstanding member of the House Committee on Agriculture, and I hope his voice and his influence on this vital committee will continue for many years to come.

Mr. PURCELL. Mr. Speaker, on March 25, 1971, the President sent to Congress his plan for the reorganization of seven executive departments. Considering the policies of this administration toward the farmers and rural townspeople of America, it was not surprising after all that the proposal suggested wiping out entirely the U.S. Department of Agriculture.

Established in 1862, the Department of Agriculture has since developed into the one executive department which has successfully embodied the true spirit of decentralized Government. In the case of the price support programs; for example, there are no less than 2,830 county offices and 87 suboffices, 50 State offices, and a number of area offices to supervise and direct such programs.

The county ASCS offices are not manned by bureaucrats sitting comfortably behind shiny mahogany desks. These county offices are administered by farmer county committees elected by farmers themselves. The entire system developed because we had a separate Department of Agriculture.

Congress has assigned many other functions to the Department. For example, it is now involved in establishing standards for agricultural products, consumer protection including meat and poultry inspection, comprehensive production and marketing research, economic analysis, conservation of land resources, watershed and flood protection programs, agricultural and rural credit systems, and literally dozens of Federal-State cooperative ventures.

These programs designed by the Congress and administered by a Department of Agriculture have done far more good for the entire Nation than anyone seems to be willing to acknowledge. The fact that the American farmer is the only element of the national economy who has increased his productivity—his output per man-hour with regard to his return—within the last 25 years is no accident.

American housewives pay a smaller percentage of their budget for food products than in any other country. This is directly the result of the effective assistance provided by the Department of Agriculture in administering the laws dealing with food and fiber production.

The farmer has immediate access, through local offices, to whatever information he needs. He has a direct contact with a separate executive department. It is inconceivable to me that the President can think that by abolishing this Department, he can bring about a better working relationship between the people and the Government.

I strongly suspect that when this program was designed, it was automatically assumed that "We can take the Department of Agriculture—it is secondary anyway." The readily apparent lack of concern for the American farmer indicates no less.

To destroy the one Department with over a century's heritage of solid progress, the one Department upon which American agriculture can rely, would be the greatest mistake the Government of the United States could ever make.

Mr. JONES of North Carolina. Mr. Speaker, I am happy to have this opportunity to express my views concerning the administration's proposals regarding the reorganization of certain governmental agencies.

With no attempt to pass judgment on the complete proposal, I do want to register my opposition to any change in the present status of the Department of Agriculture. At a time when the American farmer is being neglected in the economic affluence of this Nation I do not consider it appropriate to minimize the function or the status of the U.S. Department of Agriculture. All too often when we think of the Department of Agriculture we confine our thoughts to bulletins, the ASCS operations, Farmers Home Administration, and other agencies in the Department. If this were all that were involved, the idea of consolidation might not be too serious, but on the contrary, we must look at the broad scope of the operation of the Department of Agriculture. First, it has played a major part of cultivating foreign markets for our agricultural products, which, until recent months had caused this Nation to enjoy a favorable balance of trade. Yes, the administration of Public Law 480 has been of inestimable value to the American producer.

In addition, the surplus food program and the food stamp program have been handled admirably by the Department.

I think it is important that we should remember that through the efforts of the Department of Agriculture American consumers enjoy the consumption of pure food unequaled by any other nation. This is due to the multiple inspection programs, both of foreign and domestic foods. Its research through its own Department and the land-grant colleges has contributed much to the production of many of our commodities which was believed impossible a few years ago.

In this day of a declining farm population, rather than weaken the Department of Agriculture, I think it is more proper to consider ways to strengthen its operation and its status in the field of agriculture. Therefore, I hope my friends, not only from the agricultural area, but also from the urban areas, will give serious thought and join in opposition to any proposal to undermine our present Department of Agriculture.

Mr. BLANTON. Mr. Speaker, I wish to associate myself with the remarks of my distinguished colleague from Missouri (Mr. BURLISON) and my other friends who are concerned with the President's proposal to merge the Department of Agriculture's functions with other departments.

Mr. Speaker, as a representative of one of the few predominately agricultural districts in this country, I can say frankly that I would have to oppose any reorganization plan which would diminish the voice of the American farmer in the executive branch of the Government.

The American farmers, Mr. Speaker, are experiencing one of the worst years in over a decade. I am alarmed that the President would propose that the Department of Agriculture should be abolished. The farmers in my district, and in my State, are understandably upset over this shoddy treatment they have been receiving, and the prospects of even worse treatment in a bureaucratic arrangement which would all but nullify any government influence they might have.

Do not get me wrong. I am not saying that the farmers are happy with the way the Agriculture Department represents them now. But at least they have some official representation in the executive branch, at the highest Cabinet level. Under the President's proposal, this representation would be reduced to some second level bureaucrats, and bureaucracy has been one of the reasons for the demise of the farmer's best interest in Government for years.

Mr. Speaker, at the close of the World War II, the U.S. Government paid American industry in excess of $50 billion in subsidies to retool and get business back into the normal channels of trade. But the farmers received little or

no assistance in readjustment for peacetime production. Geared to a wartime economy and needs, he was now left holding the bag. The farmer has been in trouble ever since.

The American farmer is courted for his vote every 4 years. He has been betrayed every year by every administration since World War II. But the elimination of the Department of Agriculture amounts to a stab in the back.

The President, in a speech to farmers in Des Moines, Iowa, on September 14, 1968 made this statement:

I propose that our Nation commit itself to a national agricultural policy that will maintain an efficient flourishing agricultural economy keyed to opportunity and abundance, with family farm enterprise as its cornerstone.

Forty thousand family farms have disappeared every year Mr. Nixon has been in office. The inroads of industrial conglomerates who are taking over the family farms and making farming a subsidiary of some giant corporate entity is the rule, rather than the exception, under the current administration.

The statistics concerning the plight of the American farmers in 1971 are bleak, and I could fill this proceeding with them.

The one important fact I want to get across to my colleagues is that if the one voice the farmer has in the executive branch is eliminated, and replaced with second-string bureaucrats, then the plight of the farmer is going to worsen, not improve.

I am all for reorganization of the Government. I am for eliminating the "shadow government" we now experience—the bureaucrats who really run the show. But farming is still too important for America to be relegated to a second place standing in the executive structure, and that is what the President's proposal would do.

Mr. ROY. Mr. Speaker, I would like to express my congratulations to my colleague from Missouri (Mr. BURLISON) for his initiative in obtaining this special order, which allows those of us vitally concerned with the future of agriculture in this country to express our views on the proposed executive reorganization plan which would dismantle the Department of Agriculture.

Anyone who reads the President's message to Congress in regard to executive reorganization will be in sympathy with many of the sentiments expressed in that document.

The President said:

Good people cannot do good things with bad mechanisms.

Very true.

We have good people, who want to do good things, but they are frustrated by the machinery with which they work. The obvious answer to the problem is a full-scale reconstruction of the machinery, says the President. Perhaps not so true.

The President, as we are all aware, wants to consolidate seven of the existing departments into four new ones, organized around goals instead of methods, in his words. The objective would be to provide better service to the entire Nation, including "farmers, workers, minorities, and other significant groups."

The question before those of us in Congress is whether the President's proposal would indeed bring us closer to his—and our—objective. I think it would not.

How would the farmer fare under the new setup? The Department of Agriculture, the representative of the farmer in the high councils of the executive branch, would be split among all four of the proposed departments.

The Extension Service and the Farmers Home Administration would probably go into the new Department of Community Development; the ASCS programs into the Department of Economic Development; and the REA into the Natural Resources Department. All the old USDA programs and agencies would find a home—somewhere.

The administration says that under this plan the needs of agriculture would be served more efficiently. I disagree. I believe that the needs of the farmer would more than likely become lost in the shuffle of nonfarm interests. As the Farm Journal said in an editorial on the subject last March:

Farm affairs in these new departments would be the tails on an urban dog.

It is true that rural population has steadily declined for decades to the point where slightly less than five of every 100 Americans are farmers. This decrease in size, however, in no way detracts from the importance of the farm population, which continues to supply the food and fiber needs of this country and then some.

The establishment of farm-oriented agencies and bureaus in new super departments would not serve better the interests of the farmer. One recent example of how farmers fare in an urban-dominated department was the proposed farm vehicle regulations promulgated by the Department of Transportation.

It is charged that the USDA is pro-farmer. Within obvious limits, I would argue that it needs to be. Someone in Washington must be directly charged with representing the farmer.

All this is not to say that the farmer deserves some sort of privileged status. He does not. He does deserve to feel that the Federal Government is actively engaged in working on his behalf.

Many of the administration's objectives are indeed worthy ones. We need increased administrative coordination and managerial responsibility. But let us make sure we remember the most basic objective—service to the people. This objective can best be attained—in the case of the farmer—by retaining and improving the Department of Agriculture.

Mr. ANDREWS of North Dakota. Mr. Speaker, the subject which we are discussing today, the proposed reorganization of the executive branch as it pertains to the Department of Agriculture, is of great concern to me. I am sure my colleagues in the House are aware of the fact that North Dakota is the most agricultural State of the Union. Eighty-five percent of our income comes from farming. Therefore, this plan would probably affect the people I am privileged to represent more than the people in any other State.

The situation in rural America at the present time is, to say the least, a very serious one. In each of the last 6 years, an average of 500,000 to 600,000 farmers and their families have left their farms—forced off largely because farm income has dropped from 7.1 percent of investment in 1942–49 to 3.3 percent in 1970. These statistics should concern all of us. What is more they occurred at a time when farmers have had Secretaries of Agriculture, Democrats and Republicans alike, representing them at the Cabinet level in the White House.

While many of us from agricultural areas have not been particularly happy with various Secretaries of either political party, we have to assume that they were acting in good faith for agriculture. Imagine what would have happened to family farmers if even this type of representation was taken away and the various agencies now under one Cabinet official were scattered throughout four separate agencies. Those of us who represent farmers are very concerned about what might happen if agriculture is downgraded by not retaining Cabinet status. Farmers themselves are concerned at what seems to be adding insult to injury.

But perhaps one of the most unique and potent arguments against this has been brought forward by the man who has the feel for the human potential of agriculture, Dr. Norman Borlaug who won the Nobel Peace Prize for helping solve food problems of underdeveloped nations. Dr. Borlaug, in appearances befor the Minnesota House and Senate, voiced strong opposition to this elimination of the Department, saying he is concerned that both agriculture and forestry would suffer if the change is made. He said, and I quote—

I think we will have even greater problems of communication and coordination.

Dr. Borlaug, who should know, told the State legislators he has worked under governments ranging from the far left to the far right—

But bureaucracy is also universal, and the more we spread the responsibility for certain kinds of things around in many different government agencies, the more complicated it becomes.

Certainly, those of us who have seen that happen can easily agree with Dr. Borlaug. This diffusion of responsibility is one of the quickest ways for the big conglomerate to end up on top, with the small independent farmer getting the short end of the stick.

Mr. Speaker, abundant food production and maintenance of an efficient and prosperous agricultural economy are basic elements in the preservation of our domestic security and free world defense. The difficult economic situation our Nation currently finds itself in, which has led President Nixon to propose his new economic program, has been brought about because of a lack of competitiveness in overseas trade. Agriculture represents one of our biggest potential overseas dollar earners, and can do more to rescue our Nation from our unfavorable balance of payments than any other industry in America. For these important reasons and many more, it is imperative that agriculture maintains its rightful rank as a basic Cabinet level participant

in Federal Government councils. In my opinion the dismantling of the Department of Agriculture is contrary not only to the farmers' interest, but also to the national interest. Farm affairs under the new proposed departments would be, as someone recently said, "the tail on an urban dog."

We cannot afford to let this happen. We have the ability to grow enough food to feed a hungry world, and, perhaps, avoid future Vietnams. Wars are caused by troubled people, people who suffer from a lack of the basic necessities of life. It may be an oversimplification, but the war in Vietnam perhaps came about because the North Vietnamese were hungry and the South Vietnamese had the rice paddies. How much more sense it would have made to use our food rather than our bullets and bayonets to resolve this situation that has weighed so heavily on our Nation and the world in the past decade.

Certainly, it is incumbent on all of us to realize the important role our farmers can play in bringing peace to a troubled world—the goal all of us are striving for. With this in mind surely more emphasis should be placed on agriculture at the highest levels of our Government. Certainly, the need for a healthy agriculture cannot be served by dismantling the Cabinet level position farmers now have.

Mr. Speaker, the citizens of rural America are justly concerned over the proposal which we are today discussing. They are afraid that this may result in even less consideration for agriculture's problems than at present. This fear is based on the experience of what has happened in the past, the tragedy that has befallen the most basic industry of all—farming—through neglect on the part of administrations over the last two decades. It is about time America begins to realize that food is basic and our Nation and the world cannot survive without it. Our economic stability begins with a healthy and profitable agriculture. Ignoring this can only imperil all our people, city and farm alike.

I am strongly opposed to the elimination of the Department of Agriculture and I urge my colleagues to thoughtfully consider the consequences that could arise if this proposal were accepted.

Mr. SEBELIUS. Mr. Speaker, I appreciate this opportunity to discuss a matter which is of paramount importance to the citizens in my district—efficiency in Government and possible Government reorganization. I want to commend my colleague, Representative BILL BURLISON, for his leadership in providing this meaningful forum.

During the recent congressional recess, I toured my 57-county, First Congressional District of Kansas. Citizens repeatedly expressed a sense of frustration and skepticism regarding the Federal bureaucracy, and a hope that Government can be restructured to better serve the people.

In short, individuals are taxed beyond their means without witnessing any tangible evidence of local progress for their sacrifice.

The views of my constituency were clearly summarized by President Nixon in his state of the Union address:

> The time has now come in America to reverse the flow of power and resources from the States and communities to Washington, and start power and resources flowing back from Washington to the States and communities, and more important, to the people all across America.

Even though the principles of efficiency in Government and returning power to the people rate top priority, citizens in my district have also expressed concern regarding proposals to realine USDA authority and the authority of other departments and agencies in Government.

I think it is appropriate to consolidate overlapping programs and to redirect Government programs to give the grassroots citizens a "piece of the action." I think this would do a great deal to prompt the type of cooperation that is necessary to administer programs that emphasize practicality and reality.

I embrace the principle of the administration's initiative to return the power to the people. However, I urge this distinguished body to study all Government reorganization proposals carefully.

In this regard, I think those of us vitally interested in rural and small-town America should keep two points in mind. First, representation in behalf of rural America is steadily declining. Second, although our Nation is still undergoing a decline in rural population, the farmer and his role in our society remain most important. The farmer is still being asked to provide the best quality food for the lowest price in the history of the world. Despite economic hardship of the first magnitude, the farmer is still doing that. The task of providing food and fiber for our Nation and for a troubled and hungry world is all important and essential if we are going to be successful in winning the war against malnutrition and hunger and as a consequence contribute to world peace.

As a result, I feel we must insure, regardless of what reorganization program is proposed, that the Department of Agriculture remain an autonomous agency and that the Secretary of Agriculture remain on the President's Cabinet as a spokesman for agriculture and the farmer. We must be careful not to downgrade this agency and the Secretary's position through any reorganization plan.

We can make Government more responsible to the needs of the individual citizen through meaningful and constructive reorganization and responsible program reform.

In doing this, I have every confidence that my colleagues who have spoken here today will cooperate in such a way so as to protect the interest of the farmer.

Mr. MCCORMACK. Mr. Speaker, I appreciate the opportunity today of joining in this special order to make some observations in connection with the Agricultural Department reorganization plan. I congratulate the Honorable BILL BURLISON of Missouri for calling this special order.

I believe the central question that must be asked of the affects of this plan to splinter the Department of Agriculture into four newly created superdepartments is, "Will the farmer and the rest of society benefit significantly from this reorganization?" Those supporting this reorganization plan state that many of the programs and services now so ably administered by the Department of Agriculture are separated from similar programs and services conducted by various administrative departments: Housing and Urban Development, Interior, Commerce, Labor, and Transportation. They argue that these programs should be consolidated and centralized, to bring about maximum efficiency in their administration.

Mr. Speaker, this has been the goal and trademark of the Department of Agriculture since its inception in 1862. In its service to farmers, the Department has concentrated on centralizing the interests of rural America into a branch of the Government which grants a maximum voice to the farmer. To segment these responsibilities and to combine them with the general administration of urban related services would doom the American farmer to a diminished voice, and cause unnecessary and burdensome conflicts between rural and urban interests in their quests for Federal services. I believe that we all agree, keeping in mind the present crises plaguing our rural and urban areas, that we cannot afford to ask either to compete with the other within agencies that should be dedicated to serving one or the other. Such a "centralization" of programs and services could not satisfy either urban or rural interests of our society.

For over 100 years, Mr. Speaker, the Department of Agriculture has served the farmers of this country not only through the services it offers but by its presence before the Congress as a knowledgeable and arduous lobbyist for rural opportunity and development. The Congress has charged the Department with establishing standards for agricultural products; agricultural market news servicing; warehousing; consumer protection, including meat and poultry inspection; comprehensive agricultural production and marketing research; economic analyses pertaining to agriculture and rural development; new uses for agricultural products; conservation of resources; management of natural forests; watershed protection and flood prevention; environmental protection; food distribution; rural development; agricultural and rural credit; service to cooperatives; price support programs; and Federal-State cooperative ventures as they concern agriculture and the people. To uproot this organization now—apparently for the sake of change itself—is foolhardy at best; but more likely catastrophic.

Senator HERMAN TALMADGE, chairman of the Senate Committee on Agriculture and Forestry, in a letter to the distinguished chairman of the Senate Committee on Government Operations, voiced my opposition best when he wrote:

> It seems incomprehensible to me that over 100 years of solid building, block by block, be torn down, that the achievements of over 100 years of progress be ignored, and that

the confidence of the people secured by over 100 years of service be cast to the winds, solely to make changes for the sake of change. Nor can I understand how any reorganization, whatever the nature, can result in a closer relationship between the Federal government and the people, than now exists between the Department of Agriculture and the people whom they serve. To abolish the Department of Agriculture and transfer its functions among four new, untried, generalized, and purposeless Departments would be the greatest mistake this government could ever make.

Mr. Speaker, I join with many of my colleagues in the House in opposing the fissioning of the Department of Agriculture. My opposition to such a plan lies not solely on the welfare of the 54 million persons of America's rural population—of which 9.7 million are farmers—but also on the welfare of 200 million consumers who have as much to lose from this proposal as does the American farmer.

Mr. YATRON. Mr. Speaker, the plan that President Nixon unveiled in his state of the Union speech to reorganize the executive branch would dismantle the 109-year-old U.S. Department of Agriculture — USDA — completely. Forestry, Soil Conservation, and the Rural Electrification Administration might be taken over by a new Natural Resources Department. The Extension Service and the Farmers Home Administration might slip into a new Department of Community Development. The Economic and Agricultural Research Services, and perhaps the Agricultural Stabilization and Conservation Service could be absorbed by a new Department of Economic Development. In effect, the Department of Agriculture would be dissected and funneled into three or four different departments under such a myriad of headings and titles that the poor farmer may never emerge from such an abyss unscathed. There is more than just a change of labels here: The present functions of the USDA would become a subordinate part of larger departments and there would no longer be a Secretary of Agriculture to speak for American farmers and for American agriculture.

This attempt at governmental "streamlining" would do much more harm than good for U.S. agriculture since a decentralization and fragmentation of present programs would be a disservice not only to the farmers but also to the American consumer. Even during the last decade of low prices received by farmers, our agricultural produce has played a major role in keeping our balance of payments in better shape than it might have been without these exports. In fact, during the times when we have had a surplus in our balance of payments, the saving difference came from the export of farm products.

Eventually, it is hoped, demand will catch up with supply and farm income will become stabilized in this country. But even then the farmer will still be subject to changing Government policies, foreign governmental pressure affecting farm exports and, eternally, the weather. Consequently, taking all of these factors into account, it seems to me that the Congress has to be more aware of the farmer and his unique problems when it legislates.

The work of our Nation is no greater than its individual parts, so let us work together as Americans for equity in our economy and strength in our Nation. Let there be a mutual respect in industry and in agriculture. This great Nation was founded on agriculture and the farmer has met every challenge for over 200 years to keep us supplied with an abundance of food and fiber to contribute greatly to our national prosperity. Therefore, it seems only fitting that the farmer now receive not only an equitable share of the national economy, but also continued strength within the USDA to deal with the pressing problems within the farm economy today.

The USDA is a centralized area where farm programs and interests can be focused and is a place where the farmer's interests can be communicated to the executive branch. The proposed executive reorganization will take these programs and spread them out through three or four different departments. Now, I certainly approve of the concept of tightening the management of the executive branch to save money, but the abolition of the USDA is nothing more than another example of the neglect, indeed more than neglect, of the open betrayal of the rural American citizen.

It is time, therefore, for action. Congress must reaffirm the Nation's commitment to the farmer. The farmer has done his part to see that our Nation enjoys the world's highest standard of living. The cost of food, as a percentage of total income, is lower here than in any other country in the world. Yet the farmer is not allowed to share that high standard of living when the price that he receives for his labors remains static and the price that he must pay goes up. The concept of parity was designed to deal with just that problem, and the farmer must be reassured that parity has not been abandoned. I call upon my colleagues in Congress, both rural and urban, to seize the initiative in putting together a comprehensive program of legislative action which will not only improve farm income and bring dignity of living to rural America, but also give a vote of confidence to the U.S. Department of Agriculture. I make this call because it will benefit both rural and urban America. It is just. It is right. And it is long overdue.

Mr. MONTGOMERY. Mr. Speaker, I commend my very able colleague, Congressman BURLISON of Missouri, for requesting this special order and providing the Members an opportunity to discuss the proposed elimination of the Department of Agriculture.

I highly favor proposals that will simplify the Federal bureaucracy as we know it today, but I have serious misgivings that the proposed departmental reorganization will result in any increased efficiency. In fact, I believe in the case of the Department of Agriculture, we will realize only continued and increased redtape facing the farmers of America.

The Department of Agriculture as we know it today would be split up helter-skelter between four new departments. I just do not believe this will result in the Federal Government being able to provide any better service for the rural areas of America. In fact, I believe our farmers would only become more frustrated in their attempts to provide food and fiber for their fellow Americans. Mr. Speaker, what we should strive for is a stronger Department of Agriculture that will insure the continued existence of rural America—a very important segment of our society.

Mr. HULL. Mr. Speaker, I want to join with my colleagues today who are expressing their concern and reservations over the President's departmental reorganization plan which would eliminate the Department of Agriculture. I do not question the fact that there are many reorganization possibilities which would simplify the operations of Government and which would provide for a more orderly administrative process. However, I believe that such adjustments in the Federal Government can be carried out while still retaining the logical departmental organization.

Agricultural progress in the United States has been tremendous since the Department of Agriculture was established in 1862. There is no question but that the development of scientific practices was fostered and that this information was disseminated to the public by the Department making possible the rich bounty of food and fiber over the years.

American agriculture is now at a crossroads. The family farm is threatened by marketing practices, rising costs, and expanding competition from huge integrated producers: If the Department is to be dismembered and its various services and agencies divided among new departments, added confusion will result for the American farmer. The traditional lines of authority and advice will be broken and the assistance offered will surely suffer in quality as responsibilities are shuffled to the new departments.

Perhaps most importantly, the Department which has been the supporter of American agriculture and producers will disappear. Instead, the rural sector will find itself in competition with urban interests for community development funds and similarly competing interests for the maintenance of most operating activities.

The Subcommittee on Legislation and Military Operations of the Government Operations Committee has conducted hearings on the general scheme of reorganization proposed by the President. When the subcommittee takes up the individual measures creating the new departments, I am confident that it will find that the proposed elimination of the Department of Agriculture undesirable.

Mr. EVINS of Tennessee. Mr. Speaker, I want to join with my colleague, the gentleman from Missouri (Mr. BURLISON) in opposing the dismemberment of the Department of Agriculture.

The Department of Agriculture should not be divided and split four ways between other departments—as is proposed in a reorganization plan. The existing Department should be strengthened and continued to provide continuing service to our farmers and rural areas.

The Department of Agriculture was officially created in 1862—109 years ago—and its services are needed more now than ever before with our farmers facing problems that are more and more

complex and with our rural areas in need of more assistance because of outmigration to our metropolitan areas.

Public opinion polls and surveys have shown consistently that a majority of the people in the United States would prefer to live in small towns and rural areas. These polls show that much of the outmigration occurs because our young people go to the big cities in search of employment opportunities.

Our programs of rural development should be strengthened within the Department of Agriculture to assist not only rural areas but our metropolitan areas by easing the pressures from outmigration.

The Department of Agriculture is the advocate in our National Government for our farmers and rural Americans. The Department should be continued strengthened rather than having its effectiveness and power dissipated by a scattering of its functions to other departments.

Mr. SHOUP. Mr. Speaker, the existing Department of Agriculture—frequently called the USDA—is a highly effective Federal Government agency. Our Nation's farmers, agribusiness interests, and consumers of food and fiber have been greatly aided by this Department and its dedicated employees. Other nations similarly have recognized our USDA and have sent many of their experts to study it.

The importance of this Department to my constituents in the First District of Montana, the whole State, and the Nation cannot be overemphasized or overstated. My district is well known for its production of wheat, beef, lumber, and other important commodities. Many dedicated farmers and others are doing a splendid job which in many cases partly depends on the continued efforts, trust, and expertise of USDA units such as the agriculture extension services and other components.

Our farmers are an indispensable and critical element of the total workers and businesses. They literally feed all of us plus provide extra portions for exporting to many hungry nations throughout the world.

It is my sincere hope that all our people realize this and are as grateful as I am for their past, present, and future performance.

A great amount of controls over the farmers' efforts are handled by the various forms of government. Thus, the farmers are greatly dependent on equitable Federal, State, and local government treatment. A deemphasis of the farmer's role in our society by any means, such as disassembling the USDA, particularly by the Federal Government can cause inequitable measures to be taken in the name of "trading off" the farmers' needs with other programs.

This one possible problem is a conceivable factor derived from my analysis of the President's proposal to reorganize the USDA along with other departments into four new consolidated ones. They would be called the Department of Economic Affairs, Department of Natural Resources, Department of Human Resources, and Department of Community Development. The only existing departments left unchanged would be the Departments of State, Treasury, Defense, and Justice.

In the final analysis to all our constituents, I would state any reduction of our food supply caused in any way by the proposed USDA reorganization would be a mistake.

As a former businessman in the city of Missoula, Mont., and that city's mayor, I can certainly broadly support the President's proposed reorganization plans because they are oriented to remedying fragmented Federal responsibilities; reducing duplication of effort and confusion in dealing with the maze of Federal offices; and eliminating the hobbling of our elected leadership. The President's recommendations are certainly dynamic and generally reasonable in that the executive branch of Government would be organized around goals rather than simply historical developments or other reasons.

It should be noted that conflicting recommendations have been made by the President's Advisory Council on Executive Organization—called the Ash Council—and the President as they affect the present USDA. For some 33 current USDA programs, the President's reorganization plans would transfer 19 to the new Department of Economic Affiairs, six to the Department of Natural Resources, four to the Department of Human Resources, and four to the Department of Community Development. In contrast the Ash Council would place 23 in the Department of Economic Affairs, three in the Department of Natural Resources, two in the Department of Human Resources, and five in the Department of Community Development. Thus, there appears to be considerable disagreement on the best split of USDA's programs.

Mr. Speaker, it may well be that some of the USDA's programs should be relocated in other existing or proposed departments, but I would particularly hope that at least those USDA programs which relate to farm productivity, farm economy stabilization, and the marketing of agricultural commodities both domestically and abroad would remain in a Department of Agriculture or similarly named new department like a "Department of Agriculture and Economic Affairs."

Other than renaming and expanding on the USDA, this proposal of mine would be partly patterned after the Department of Defense with its Army, Navy, and Air Force Departments in which the present but somewhat adjusted USDA would be in the same overall Department but would be co-equal with the President's proposed Department of Economic Affairs. In this case both agriculture and economic affairs would be departments headed by a secretary within the Department of Agriculture and Economic Affairs.

A major area where my proposal departs from that of the President's is found in the analysis of his Department of Economic Affairs where the proposed Administrator for Farms and Agriculture would instead be a Secretary of Agriculture and a Secretary of Economic Affairs would control the other programs transferred to the new department.

If the President's reorganization plan for a new Department of Economic Affairs gains favor in the Congress, I will want my suggested alternative seriously considered.

At the appropriate time I will come forward with a bill which would specify my recommendations in the form of amendments to the President's bill, H.R. 6960.

Mr. JONES of Tennessee. Mr. Speaker, the President has proposed that the executive branch of the National Government be reorganized in a manner which he believes would lead to increased efficiency. His plan would allow the continuation of the Departments of State, Treasury, Defense, and Justice. The other departments would be reorganized according to function into four new bodies called the Departments of Community Development, Natural Resources, Human Resources, and Economic Affairs.

The U.S. Department of Agriculture as we know it today would have its functions spread among all four of the new Departments, with Economic Affairs apparently assuming the largest portion.

The USDA was established in 1862 with the original purpose of providing and diffusing useful information on subjects connected with agriculture. Since that time, the Congress has assigned many additional duties to the Department, most of which are intended to promote the interests of agriculture and rural America.

Most of these functions were placed in the USDA in order that the problems of rural America would receive the primary attention to which they are entitled. As the proportion of persons living in rural areas continues to decline, the wisdom of placing these functions with the Department of Agriculture becomes more apparent.

Today, no department or Federal agency is closer to the people whom it serves than the USDA. The Nation is literally blanketed with its offices designed to serve agricultural and rural America.

To destroy the Department of Agriculture by allowing its functions to be assimilated into four larger departments would be to yield to the pressures which lead ever to bigger and less personal government. I urge the Members of this body to resist the attempt to abolish the U.S. Department of Agriculture.

Mr. ULLMAN. Mr. Speaker, by seeking a major reorganization of the Federal bureaucracy—in fact, the most comprehensive ever attempted—the President apparently thinks he might be able to bring Government, at a time when it seems to be growing ever more obscure, back to the level of the people it is supposed to serve. While there is certainly much valid criticism about the current bureaucratic order and its frequent inability to respond without cumbersome pressure, I cannot see how the creation of four "superagencies" would make it any more responsive.

Moreover, I am frightened by the priorities the new agencies have been designed

to respond to. According to Andrew Rouse, executive director of the Ash Council—the group which formulated the reorganization proposals—the four major domestic concerns are supposed to be "people, the cities, the environment, and the economy." I see no mention in there of rural problems. Yet the problems of our cities are in fact largely the results of problems in the Nation's rural areas. And the very Department which has so long served the Nation's rural areas completely disappears in this new scheme. There will be no Department of Agriculture under the reorganization.

More than 77 bills have already been introduced in this session dealing with rural development. Many of them propose a thorough strengthening of the Department of Agriculture. It appears, then, that just when the Congress is beginning to realize the value of this Department, the Department will be quietly dissolved. It does not make sense. While there is always a need for review and revamping of existing organizations, and the Department of Agriculture is no exception, there is certainly no need to completely eliminate it. No other executive organization will ever have the scope, the expertise or the will to work with rural America which the USDA has displayed.

Mr. BEGICH. Mr. Speaker, I have always believed that government, if it is going to serve the people, must undergo frequent and meaningful self-examination. Critics must evaluate current programs and then determine their value and effect. Often, agency, departments and programs can be improved by reorganization rather than abolition.

The idea of executive reorganization is not new. Every President since Franklin Roosevelt has submitted such a plan. Executive reorganization is fine if it remedies the ills of the present system. However, the President's plan to abolish the Department of Agriculture is detrimental to the American farmer and unnecessary for the needed organizational reform.

Abolition of the U.S. Department of Agriculture would diminish the farmer's voice in the executive branch of Government. Big city problems would draw too much of the President's attention while the farmer would not have a vehicle to carry his problems to the Chief Executive.

Similarly, there would be a shift in focus from farm and rural development to that of urban needs. While not underestimating the needs of the cities, rural America is entitled to equal representation on the executive level.

The guiding principle behind this type of government reorganization is—How can we best affect the farmer and how can we justly increase his income?

In the agricultural area, a farmer oriented department is certainly justifiable. In view of the depressed level of farm prices, farm programs necessitate representation in the President's Cabinet.

There is no doubt that certain aspects of the administration's departmental reorganization plan have merit and should be considered. Significant administrative reform can be executed without the total dismantling of the Agriculture Department.

The human resources functions of the Department such as the food stamp program could be transferred to the Department of Health, Education, and Welfare. Some of the natural resource activites could be transferred to the Interior Department. Food inspection activities could be transferred to the Food and Drug Administration.

However, because farming is the No. 1 business in rural America, and farming is the No. 1 activity for generating the income of bankers, grocers, implement dealers, and others in rural communities and small towns, every effort must be made to see that the voice of the farmer is heard loud and clear.

I join with my colleagues today to express my concern for the American farmer and assure them that I stand in opposition to placing farm interests anywhere but in the Department of Agriculture.

GENERAL LEAVE TO EXTEND

Mr. BURLISON of Missouri. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. BURLISON of Missouri. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subjects of the special orders of the gentleman from Florida (Mr. SIKES) and the gentleman from Arkansas (Mr. ALEXANDER)

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

OPPOSITION TO THE PRESIDENT'S PROPOSED REORGANIZATION OF THE EXECUTIVE BRANCH OF THE FEDERAL GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 60 minutes.

Mr. ALEXANDER. Mr. Speaker, I rise in opposition to the President's proposal to dismantle the Department of Agriculture and redistribute its authority to several new subagencies which have been proposed in the President's reorganization plan now being considered by the Congress.

Having been raised on a farm in Arkansas, I know the feeling of most farmers toward this proposal. Though farmers generally are frustrated and disappointed with their present state of condition, they feel that to destroy the Department of Agriculture would leave them without a voice in the executive branch of Government. The strength and determination of that voice to speak for the American farmer, varies from Secretary to Secretary. If the farmers do not like the current Secretary, so long as the USDA remains in existence, they have hope that the next Secretary will be an improvement over the present one. To destroy the Department would be to destroy their hope.

There exists in this Nation today a crisis in American agriculture the likes of which we have never faced before. It is an economic and moral crisis. The American farmer is the most efficient producer of agricultural products in the world. The American consumer is the most fortunate consumer in all the world, because Americans pay a less percentage of their income for food than any other nation in the world.

Our farmers are good people. They are the backbone of America. They are taxpayers. They are proud and they do not deserve the second-class treatment that is being proposed by the President of the United States.

Not too long ago I received a letter from an Arkansas farmer which bears upon the subject of farm legislation in particular, but this letter from Mr. Mack L. Harrington, of Lepanto, Ark., demonstrates the exasperation that now exists. After I have read this letter to you, I will then ask you to consider the feeling of the American farmer if the Department of Agriculture is abolished.

The letter follows:

THE FARMERS' PROBLEM: SURVIVAL

"Survival of the fittest" is a phrase applied to a process in nature in which living things constantly compete with each other to live. Some thrive—some barely exist—some die. The American farmer, caught in a cost-price squeeze of his own unmaking, has doubts in 1970 that even the "fittest" of farmers will survive.

Can concern and worry pay the farmer's creditors? Can complaining to his congressman assure him of positive action or favorable legislation? Can re-shuffling his figures pay the taxes? Can producing more and receiving less and paying more produce a profit?

A concerned farmer who is interested in the survival of the farmer has prepared this report to acquaint the American consumer with the farm problems. Lacking an agricultural public relations department, individual farmers must act. A solution? The farmer feels that the failure of the giant agricultural industry would have repercussions which would reverberate around the world.

The facts, statistics, and case histories reported are drawn or were obtained from local (Poinsett County, Arkansas) sources—individual farm records, gins, elevator operators, the Extension Service of the University of Arkansas, and the United States Department of Agriculture (USDA). Although the report is local in scope, one farmer's problem is every farmer's problem.

The world looks with envy upon the agricultural industry in America—the exception being the American consumer. Why does today's farmer view the future of agriculture with pessimism and alarm? Why The Gloom? Graphic evidence of a multi-faceted problem gives support to the farmer's claim that his problems are real:

(1) Empty farm houses standing in mute testimony to the fact that profits on farms are not adequate;

(2) Average age of farmers and their workers rising due to lack of opportunity or incentive (Who knows what effect this will have in future years!);

(3) Farm equipment being repaired for

"one more year" or equipment being "custom-rented";

(4) Crops growing up in weeds due to high costs of chemicals, poisons, and labor;

(5) Figures in farm accounts showing that income does not match expense;

(6) Farm sale notices filling the newspapers—"Work a lifetime; sell all on a Tuesday . . .";

(7) Wives working to supplement the income—to compensate for rising costs of education, household furnishings, health expenditures, and clothing;

(8) Bankruptcy or foreclosure listings—perhaps more painful than an obituary notice. "A way of life is dead."

These farm problems are the result of a revolution unparalleled in agricultural history. The American farmers have been eager to adapt and apply new technology and research findings to their agricultural enterprises. The American farmer, with his learn-how—know-how abilities, has increased his food and fiber production rate to such an extent that domestic consumption uses only 80% of his total crop; the remaining 20% must be exported. Had the farmer remained at farm output rates of 1900–1925, not only would the United States be importing one-third of its total food and fiber requirements, but the consumer would be paying much higher prices for food. Learn-how—know-how leads to share-now. Farm specialization, coupled with research, education, and mechanization, enables one farm worker to supply 35 to 39 persons (compared with 23 supplied as recently as 1957–59). Since 1919–21, crop production per acre is 75% higher, and output per man hour of farm work is five times greater.

On the basis of these statistics, *why*, in the name of *production success*, do the farmers have economic problems? *Fact:* in 1969, the prices farmers received in relation to prices they paid were 78% of the 1910–14 base period (used for computation of these figures). *Question:* "Hasn't farming basisally changed during this time? Thus, is this 1910–14 base period really valid?" Unquestionably, all phases of farming have changed during this period. Mules and turning plows have been replaced by tractors; tractors have been replaced by larger and better tractors. In the rice fields, combines and dryers have replaced the old binders and threshers; self-propelled combines have replaced the pull-type combines. Chemical herbicides have replaced hoe hands in row crops; cotton picking machines have replaced hand pickers in the cotton fields.

But while all these magnificent new machines were coming along to take most of the back-breaking drudgery out of farming, other radical changes were taking place (changes affecting the farmer's survival). Competition from the ever-expanding industrial complex of the cities lured many of the most capable laborers from the farm with wage offers which farmers could not possibly match. To check the drain of the labor force, farmers were faced with higher wages to be paid even though the worker was only gainfully used six months of a year. "Work" must be "furnished" even though productivity of the farm was not increased nor was per unit cost of the crop reduced. In other words, farmers began to experience an "overhead" cost they had not had previously. Machinery costs, already high, continued to climb rapidly although farm prices remained static or declined. As a result, farmers have needed to increase productivity—both of their labor and their land—to stay in the same place. Hard work resembling treadmill action! To illustrate the cost-price squeeze, the following figures were taken from local (county) farm records and farm-related businesses.

COTTON

Long live King Cotton! Is the King dead? Cotton is probably the crop with the most serious problems. An east Poinsett County gin was asked to take the account of a typical customer and report the prices that customer received for cotton in the years 1949–1969. The price obtained each year was averaged with the two following years to overcome price fluctuations and give a steadier price picture. In the three year period, 1949–50–51, the average price received by the farmer for cotton was 35.23c per pound. At that time, hand choppers were paid about $3.00 for a 10-hour day; tractor drivers got $4.00 to $5.00 for an 11-hour day. In 1953–54–55, the price was 34.55c; in 1958–59–60, 31.31c; and in 1963–64–65, 30.12c. During this time, production costs were steadily rising; chopping was up to $5.00, and tractor driving rose to $7.00 per day.

In 1966 a new cotton program was effected. Under this program, cotton would be sold on the open market at a "world price", and a subsidy would be paid the producer for the difference between a "fair market price" in this country and a "world price" on his cotton that was produced for "domestic consumption"—an amount deemed 65% of his allotted acres. To follow up the example of the Poinsett County typical farmer—in 1966, his price received was 23.23¢ per pound; his subsidy payment was 9.42¢—making a total of 32.65¢ he received for 65% of his cotton crop. This is assuming he made a normal yield (which few cotton farmers did in 1966 or 1967 due to adverse weather conditions). In 1969 the sum of the prices received and the subsidy payment was 36.79¢, but this price is for the 65% domestic allotment only. If 100% of the allotment were planted, the other 35% was sold for 22.06¢. This is a complicated program; many details have been omitted for the sake of clarity. Look at the 1949–50–51 price of cotton—35.23¢. Then look at the 1969 price on the domestic allotment alone—36.79¢. During this time, chopping costs rose from 30¢ per hour to $1.30 per hour. Tractor driving costs from $4.00 per day to $1.30 per hour (*tripled*). Machinery costs have skyrocketed; yet cotton prices have remained the same or dropped, even with subsidy payments included.

The cotton survival problem boils down to this: the American farmer is expected to sell his product on a free (world) market and, at the same time, buy on a "protected" market.

WHEAT

Wheat is not a major crop in Poinsett County, Arkansas, but it is a top crop in other parts of the nation. Local elevators paid $1.50 per bushel in 1965. In 1968–69, wheat prices ranged from $1.13 to $1.16 per bushel—the lowest price for wheat since the depression days of the 1930's. (The development and progress of civilization can be linked to the history of wheat—so what's in store for agriculture?) Meanwhile, the price of a combine has spiraled from $6,000 to $12,000. The farmer receives about 2¢ for the wheat in a one-pound loaf of bread in the grocery store. What is the price of the bread?

SOYBEANS

Soybeans—the Wonder Crop. The farmer wonders if this farm crop that supplies animal feed, food for human beings, and many raw materials for industry will survive the cost-price squeeze. The farmer wonders if this 2½ billion dollar plus crop can hold its own in the market. Soybeans come along to take up acres which had gone out of production of other crops. Until the last two years, beans had provided a steady, if not large, source of income. Soybean prices have always been subject to erratic patterns due to little or no carry-over; consumption equalled production. A short bean supply would drive up the price. In 1968, however, a fairly large bean surplus developed as a result of high price supports which the federal government instituted to promote more production. Farm records show that in 1961, local elevators paid $2.28 per bushel; in 1964, $2.68; in 1966, $2.85; in 1968, $2.43; and in 1969, $2.32. The present price of beans approximates the 1961 price while many farm costs involved in their production have doubled. The farmer wonders if the soybean bubble is about to burst!

RICE

The rice industry looks at cotton and soybeans and finds itself in a similar economic bind. Even though Arkansas is one of the three leading rice growing states, rice farmers in western Poinsett County are having financial problems. Rice producers have been fortunate in that they have been able to increase their productivity dramatically and thus have not experienced so great an economic strain as cotton and soybean farmers. Yet rice farmers are caught in a cost-price squeeze also. Figures from a local elevator show the following prices per bushel paid to farmers for rice: 1962, $2.30; 1964, $2.20; 1966, $2.20; 1968, $2.30; and 1969, $2.30. As these figures show, the price received by farmers for rice has remained almost constant while most all production costs have risen considerably. As mentioned earlier, combines, the harvesting machines for rice, have almost doubled their costs of ten years ago; other machinery, labor, equipment repair, poison, fuel, insurance, rent, taxes, irrigation—*all* reflect price increases to compensate for their own rising costs. What about the rice producer? Like all farmers—no bargaining power—he takes what he is offered (not always willingly)—but he pays the asking price.

MORE DILEMMA

How have farmers compensated for their lowering net incomes? "Another notch to take up the slack?" Cliches cannot answer so serious a problem. The American farmer has produced more volume of product to obtain the same income. Today, most farmers have larger crop acreages with more crop specialization. Statistics show that fewer farmers are farming the same number of cultivated acres. An improvised formula can show how the farmer has hung on: More work plus more fertilizer plus top production plus larger investment plus better weed control plus research plus more acreage plus gamble equals same income. Economic treadmill again! The margin of profit is so low that there is no room for failure—no allowance for a drought or hail storm; it takes several good crops to make up for one bad. A living farm economy? A surviving farm economy? A dead farm economy?

Why aren't farmers banded together? Why haven't farmers tried to control their production to affect supply and demand—thereby pushing prices up? Traditionally, farmers have been independent, free-thinking individualists who do not want to give up the freedom of doing as they want on their own farms. A price below cost for one farmer may give another farmer a profit. A solution to a farm problem may satisfy one farmer but draw a violent reaction from another. Why have farm organizations had trouble with farm programs? With the exception of rice, price-supported crops have never presented a united front for their needs. It seems to be necessary for government control to be exercised to some degree, therefore, in order to keep stocks of these commodities within reasonable bounds. It is in the public interest that the nation have a healthy agriculture which is an integral part of the whole economy. The agricultural industry may expect that farm programs of the future may be justified only insofar as the public interest is concerned, since these decisions will probably be political and not economic ones.

If the public were as interested in Why Farmer Can't Survive as it is Why Johnny Can't Read, perhaps even Congress would remove the agricultural complex from its

political sparring ring. The American farmer is in desperate need of friends.

He is a minority group.

He does not want sympathy.

He does not march.

He does not riot.

He does need your understanding.

He does need your ears.

He does feel his grievances are more serious than some which receive front page headlines.

He does want to survive.

If the great agricultural industry falters or fails, what happens to America? Economists and historians have taught that the Great Depression of the late 1920's and the 1930's was triggered by the farmer failing to share in the prosperity—agricultural depression.

HEALTHY AGRICULTURE IS PUBLIC ASSET

Why should the American consumer be concerned about or desire a healthy agricultural industry? First, the percentage of income spent by the average American family for food is between 16 and 18 percent. Compare this with 35% for Western Europe; 50% for Soviet Russia; 70% for some Asian countries. American farmers are providing their fellow countrymen with food at the cheapest rate ever paid in comparison to income earned. In 1900, a farmer received 87¢ from a $1.00 paid for food; today, he gets 40¢ of the dollar. If a housewife would divide her "groceries" into food items and non-food items, her ideas about the high cost of food might change. Approximately 20% of the money spent in the grocery store is for non-food items.

Farming is big business; its demands produce jobs and more jobs. (It has been reported that for every 2,500 pobs created in the synthetic fiber industry, 11,000 jobs are lost in the cotton industry.) In 1966 (the latest figures available), farm assets were 226 billion dollars, or $25,000 invested for each employee. These assets amounted to two-thirds of the value of all United States corporations at that time. Farm buying power means six million jobs. (When the farmer loses his buying power, the impact shakes the entire industrial complex tremendously.) Another 10 million jobs are created by transporting, processing, storing and selling farm products. Farmers spend 30 billion dollars a year for farm-related goods and services and another 15 billion for other life necessities and luxuries. Farmers use more petroleum than any other single industry; use 9% of all domestic rubber production; use 5 million tons of steel—one-third that used by the entire automobile industry. Agricultural products are the greatest contributing factor in dollar sales of goods abroad. Agricultural exports help alleviate the balance of payments deficit. Farming is big business!

These statements give substance to the fact that farming is vitally important to the national economy. Bringing the focus down to the local level shows that farmers spend 70% of their income directly on their farms or in towns of fewer than 5,000 population. This income is the life blood of all communities in northeastern Arkansas, as well as for other rural areas of the nation. (These small communities have felt the pinch of cost-price squeeze in their pocketbooks.) How important are the smaller communities to the nation?

MISUNDERSTANDING OF FARM PROGRAMS

Two of the biggest criticisms of farm programs by people outside the industry are: (1) subsidy payments to "big" farmers and (2) payments for "not growing" some crop. The critics point to huge agricultural appropriation figures as evidence that the government is heavily subsidizing agriculture. The facts are that a large part of the agricultural appropriations goes for programs other than subsidies and price support payments. Food stamp programs, school lunch programs, all USDA food inspection programs, experimental research, and administrative expense of these and other programs take a large bite out of the "subsidies" which Mr. Farmer always gets credit for receiving.

A concerted effort, by urban-dominated Congress, misinformed consumers, and some news media, is being waged to limit the direct subsidy payments made to "big" farmers to a level which would eliminate all medium to large acreage farmers. As previous figures indicate, this payment is approximately one-third of the gross price a cotton farmer gets for his crop. Any farmer falling within the limiting area would suffer even more than he already is. Any farmer growing more than 250 acres of cotton would lose. And the farmer would have no assurance that the limited subsidy figure would not be lowered eventually to $5000 to even $3000—which would affect practically every cotton farmer in the county. The idea that a "big" farmer is more efficient than a "small" one is a myth. The facts indicate otherwise. The farm unit has had to grow to maintain income levels; volume does not always spell "efficiency". The small farmer who has a working unit sized to economically utilize his equipment is far more efficient than a large farmer. He has no management expense; by doing most of his own work, he not only eliminates much of the necessary labor costs but all of the "overhead" expenses incurred by retaining a labor force full-time. Despite his efficiency, the small farmer has suffered loss of income too.

Many other segments of our economy are subsidized by large payments from the federal treasury. American ships, built by American workmen, are financed by a 55% subsidy from the government; American seamen's pay is also subsidized since it cannot compete with foreign workers' salaries. Airlines, newspapers, railroads, housing projects, direct rental payments, education, public libraries, vocational schools—all receive subsidies. In fact, nearly all segments of the American economy are subsidized, directly or indirectly. (What if all subsidies to all receivers were limited? Would the national economy collapse?) Why is no mention made of limiting these subsidy payments? Why are subsidized farmers the only group singled out for criticism? Is the farmer merely a "whipping-boy"?

DOES AMERICA NEED HER FARMERS?

Will the farmer survive this economic problem which mainly is two-fold: cost-price squeeze and the limitations payment. This, then, is in essence the farm problem. The farmer can shout about his economic strait until the cows come home; improve his farming know-how; practice soil conservation; employ the best available labor; keep accurate records and use the keenest accountants. . . . But withal, he must inevitably recognize this: in today's highly competitive market, the business that does not show a profit does not survive! Finish!

Do the American people think they are getting enough of a bargain in the products the farm produce that they are willing to subsidize some segments of agriculture at a level of income that will allow the farming people of the nation an income comparable to the remainder of the people? Are they willing to support farm legislation which will make farming attractive enough and profitable enough that young people will again become interested in careers on the land? If not, can the American people replace the food and fiber that will not be produced here in this country with that from some other source? Can they create jobs for those who will not be needed on the farms? These and many other questions will have to be answered soon. Does America need her farmers?

In conclusion, I plead with my colleagues to give thoughtful consideration to the affects of this dramatic proposal. I urge all of you to vote against the President's proposal to abolish the U.S. Department of Agriculture.

CROSSROADS FOR THE U.N.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. SIKES) is recognized for 60 minutes.

Mr. SIKES. Mr. Speaker, within the month, the United Nations will act on a matter of the gravest concern to this Congress—the seating of Communist China at the expense of one of our old and valued friends—the Republic of China.

This must not happen. Congress can help to make certain that it does not happen. Strange to relate, Congress has not been consulted in this matter and this is difficult to understand. Congress is a partner in Government and Congress has a very considerable interest in the operation and in the financing of the United Nations. As a matter of fact, there are many who have serious misgivings about the value of the United Nations in comparison with the share of the costs which the United States bears. The views of Congress should have important bearing.

The seating of Communist China is not a new issue but the real confrontation on the question is now getting closer and closer. The fact that the showdown is to come this year has probably been precipitated by our own administration's preoccupation with establishing a rapport with Communist China. This has taken some of the fight out of those who oppose that country's admission. The problem is further aggravated by the announcement on the eve of debate on the issue that Mr. Kissinger is to make a new, highly publicized trip to Peking. This one-way traffic of personnel and concessions to the seat of government of Chinese communism is very unfortunate. It strengthens the hands of the Communists at a most inopportune time.

A new and very serious issue has now surfaced. The Chinese Communists are demanding that the Republic of China be expelled. It is incomprehensible that this should take place, but there is grave concern over the outcome. This despite the fact that during the history of the United Nations dozens of countries have been admitted, many of them smaller in area and population than the average congressional district. Two-thirds of the nations in the U.N. have populations smaller than Taiwan. Many countries have contributed nothing to the U.N. but obstruction. Most have been in arrears at one time or another on their payments. Yet none have been expelled. There has not even been a proposal for expulsion.

The simple fact is the forces of world communism are calling the tune, and sadly I must say that our State Department is dancing to their tune in this vital matter. The State Department has not provided the vigorous defense which is necessary to offset the Communist drive. For instance, there are those of us who firmly believe the United States has the legal authority to veto any decision to expel the Republic of China. Russia has exercised its veto time and again. We have not questioned their right to do so. Now it is very important that the United States exercise its veto power.

Amazingly, it is the State Depart-

ment's own opinion that we cannot exercise a veto in this situation. There are many legal authorities who say differently. The State Department should reexamine its position and reverse it forthwith. I cannot conceive of the forces of Commission committing themselves so naively to the detriment of their interests. That is what we are doing and this makes the task of America's earnest representatives in the U.N. doubly difficult. the U.S. Government should make it very clear that we do have the power to exercise a veto and that we shall exercise it when free world interests require it. There must not be a reluctance in this crucial moment to actively and openly defend those interests with all the power we possess. This is not a time to turn the other cheek.

The Congress now has a responsibility to express itself very clearly on this serious matter. The Congress also has a responsibility to look more carefully into the substantial U.S. financial support for the United Nations. I personally question that the American taxpayer is getting a justifiable return for his investment in the U.N. We are paying 40 percent of the budgeted costs of that organization—nearly $110 million per year. All other countries pay much less. Some of them pay nothing. That means the American taxpayer is carrying well over half the financial burden of the United Nations. Russia pays far less than we, yet Russia has three votes to our one. The dozens of small countries which make token or no payments all have a vote equal to ours. This makes no sense. A complete reassessment of U.S. financial and moral support of the United Nations is long overdue. The Congress has a responsibility to the American people, much more than to world commitments. We should exercise these responsibilities more vigorously and the United Nations is a good place to start.

I, for one, sincerely hope that each of the 130 member nations take note of the growing congressional concern on this important question. The nations which have indicated they plan to oppose us in this matter have shown no reluctance in the past to receiving U.S. foreign aid and military assistance. This should also be a matter for reassessment.

To demonstrate congressional concern over this question, there have been circulated in recent days petition forms calling on the President to take heed of the voice of this Congress in its opposition to the expulsion of the Republic of China from the U.N.

To date, more than 300 Members of Congress have signed that petition which we hope to be able to present to the President next week and to Ambassador George Bush of the United Nations later in the month, prior to the U.N. vote on the expulsion question.

The petition represents the clear consensus within the House of Representatives—a consensus that, as the petition itself states:

> We, the undersigned Members of Congress, are strongly and unalterably opposed to the expulsion of the Republic of China from the United Nations.

That, Mr. Speaker, is the message the United States must convey to the world. It is the message this Congress will transmit to the President and to the United Nations in unmistakable terms.

If the Republic of China should be expelled from the United Nations, take it from me that country will be leaving a dying organization. Concern for the future of the United Nations is not reserved for the China question alone. The gradual decay in that organization's prestige is pinpointed many ways. It is well stated in an editorial which appeared in the Washington Evening Star on Thursday, September 30, entitled, "Crossroads for the U.N." This is indeed the crossroads for the U.N. I submit the editorial for reprinting in the CONGRESSIONAL RECORD.

CROSSROADS FOR THE U.N.

There is near-unanimity on one thing: The 26th annual session of the United Nations General Assembly that opened in New York last week will be among the most fateful in the history of the world organization. The decisions that must be made in the coming weeks can make or break the U.N. as an effective international institution.

It is not just a question of membership in the U.N. for mainland China. However the voting may go at this session, the issue is as good as settled. The principle of universality in the world organization—applying not only to Peking but to East and West Germany, North and South Korea and the two Vietnams—is supported by a substantial majority of the member nations.

Even more important, perhaps, for the future of the U.N. are two other items high on the agenda: The search for a peaceful solution to the conflict in the Middle East and the selection of a new secretary general as the successor to U Thant. Between them, the resolution of these two issues could determine the status of the U.N. as a peace-keeping institution for many years to come.

The two have a direct relationship with each other. It was under the relatively assertive leadership of Sweden's Dag Hammarskjold that the U.N. played its most dynamic peace-keeping role, notably in the Middle East in 1956 and in the Congo after 1960. And it has been under the hesitant guidance of U Thant that the organization has recorded its most conspicuous failures—in Vietnam, Biafra, Ireland, Pakistan and, once again, in finding a solution to the continuing Arab-Israeli conflict.

But perhaps, as U Thant has often complained, this is in the nature of the institution. The U.N., however it may evolve, is not likely to become anything approaching a world government for a long time to come. In the case of internal disputes, such as those in Biafra, Ireland and Pakistan, its impotence has been convincingly demonstrated. And in situations where national survival is involved, as is the case with Israel, even the smallest countries have shown a readiness to defy a consensus of the world forum.

The leadership of the U.N. must accept these realities. If the coming Middle Eastern debate merely serves to consolidate opposition to Israel in the General Assembly, the result will be to increase, rather than diminish, tensions in the area and the danger of renewed war. A far wiser course would be a revival of the quiet diplomacy of U.N. envoy Gunnar Jarring in an effort to reach an accommodation between the two sides. So far as the Middle East is concerned, mediation, rather than coercion, is the best the U.N. can offer.

Mr. PRICE of Texas. Mr. Speaker, the United States will soon make an important diplomatic and moral choice at the United Nations.

Our Government, which pays nearly half of the bills to keep the United Nations in business and has been one of its most ardent supporters even when that body has contributed little in return to American or world security, will either half-heartedly allow the Republic of China and her people on Taiwan to be unceremoniously expelled from membership in the U.N., or for once will stand with a friendly power and traditional ally to vigorously oppose and prevent expulsion. I ask simply, which will it be?

This is not a question that should divide us in this Chamber. The principle is not one of party or of faction or of outlook on foreign policy. The principle is justice. Are we going to abandon an ally in the face of the combined offensive being exerted by the Communist and all-too-often anti-American third world bloc? Would U.S. and free world interests be better served by trading a friendly vote in the United Nations for that of a rabidly anti-American Communist dictatorship? For once let us stand up and say "no" to appeasement and capitulation.

And in this respect, I am prepared to offer a suggestion for a course of action:

Let the United States request a meeting of the United Nations Security Council. The meeting called into session, the United States should then request that the President of the Council make a ruling that any action by the Security Council to unseat the Republic of China and accept, instead, the credentials of the "very different government" of the People's Republic of China, be considered a "substantive" matter, thereby requiring the concurring votes of the permanent members of the Council. Using the French text of the rules, if the President should so rule in favor, and if his ruling is challenged by the U.S.S.R. or other opponent, that challenger must locate nine votes to overrule the President or the ruling shall stand. Then, when the challengers take the next step of offering a resolution calling for the rejection of the credentials of the Republic of China and the acceptance of the credentials of the People's Republic of China—Red China—following debate the resolution can then be vetoed by the Republic of China—and the United States—as a permanent member of the Council. The Red China offensive will have been appropriately defeated.

Mr. Speaker, let us join together in a united effort to take immediate, decisive, and vigorous action to assure the protection in the United Nations of the rights of the Republic of China. Any other course of action or lack of action would be an inexcusable failure for the United States and a frustration of our own best interests.

Mr. BAKER. Mr. Speaker, I welcome this opportunity to join with the gentleman from Florida (Mr. SIKES) and other colleagues in taking time on the floor of the House to reemphasize those things which need to be said, time and time again, about the effort to realine the membership of the United Nations in favor of Red China. I commend all who take part in this special order as a means of wielding some influence on decisions yet to be made on the reshaping of U.N. history.

All of us recognize that the present meeting of the U.N. General Assembly will be one of the most fateful in that history. There are many questions to be decided which will determine the effec-

tiveness of the United Nations as an instrument of international cooperation. Paramount among these questions is the seating of Communist China and how this will affect the membership of one of the respected charter members of the organization—the Republic of China.

They say we must face facts and bow to the realism of the moment. They say the handwriting is on the wall—Red China has the votes to be admitted to the United Nations this year, just as it did last year. The only question is, will its admission cause the expulsion of Nationalist China?

I stand steadfastly with those who maintain that the Republic of China must not be excluded, even if it means that the some 800 million people on the mainland of China never have representation in the United Nations. This is why I have joined with 21 Senators and 33 House Members of both parties in the issuance of the statement declaring that if the Republic of China were to be expelled from the United Nations, we would feel compelled to recommend a complete reassessment of U.S. financial and moral support of the U.N.

That is also why I accepted the invitation this week from William L. White, publisher of the Emporia, Kans., Gazette and Prof. Frank Trager of New York, cochairmen of the organizing committee, to join and serve on the "Committee to Keep the Republic of China in the United Nations."

The message of the mailgram extending the invitation sums up the purpose and need for such a committee. It bears repeating here:

Invite you join group of prominent Americans serve on the "Committee to Keep Republic of China in the United Nations". Activities limited strictly to purposes stated in Committee's title. Committee takes no position on other questions concerning American-Chinese relations. In March President Nixon stated Republic of China should not be expelled from United Nations. On July 15 he guaranteed this projected mainland China trip would not involve actions "at expense of old friends". Secretary Rogers August 2nd reaffirmed U.S. would oppose any action expel Republic of China from world body. This week 22 Senators and 33 Congressmen expressed support this position. For quarter century Republic of China has faithfully observed letter and spirit of U.N. Charter. America cannot now renege on solemn pledge backed by treaty obligation.

Mr. Speaker, I was honored to wire my acceptance. I do not know who else is serving on the committee, but I join with them in seeing that the United States keeps its word and that we do not try to circumvent the letter of the U.N. Charter in seeking to accommodate a new member.

I am aware of the "Two China" policy which has been formulated to handle this delicate situation. Ambassador George Bush prefers to call it a "dual representation" policy because it accommodates two existing realities. As he points out, no one at this point knows whether it will be acceptable to either of the Chinas, or whether it will be approved. Ambassador Bush sees a reasonably good chance for success, but he admits the vote will be close.

He puts the issue in perspective when he observes:

There are people in this country who don't want to see Peking represented at all and who want to see the Republic of China as the sole representative of the people of China. What they must face up to is the fact that last year a majority of the nations voted to seat Peking and throw the Republic of China out. That was prevented by procedural maneuvering on our part—maneuvering that would unquestionably fail this year.

I respect this assessment; I am sure it is realistic, but I think that all concerned should be put on notice that should Nationalist China be expelled from the United Nations, because of any realinement, then there should definitely be a reassessment of our own role in the United Nations, especially of the money we contribute and the moral support we give.

It seems to me the renowned China expert, Walter Judd, a former member of this body, poses the proper question when he asks:

Would the American people continue to support the United Nations if it were illegal to expel one of its founding and law-abiding members in order to seat a regime whose words and actions prove it an international outlaw, a regime which cannot possibly be claimed to represent the Chinese people and their interests? To admit Peking's rulers into the UN and thereby strengthen their stranglehold on the Chinese people could only prevent the constructive participation of those 750,000,000 Chinese in the world community and its search for peace.

Mr. LANDGREBE. Mr. Speaker, my immediate reaction to President Nixon's announcement of his planned visit to Peking was a favorable one. While I find the principles and practices of the Mao regime to be totally repugnant to those of freedom-loving people everywhere, I believe that little harm and much good can come from opening a door of communication to this enigmatic, potentially dangerous power.

I still support President Nixon's efforts to enter into an era of negotiation, and I believe he meant his public pledge not to sell out our friends, notably the Republic of China, in the process. But lately there have come disquieting rumblings from high places that cast some doubt on how firmly we intend to stand by our friends on Taiwan, especially as regards the Nationalist seat in the United Nations.

Strong indications are that Red China is not all that anxious to join the U.N. anyway. They appear to be much more interested in the expulsion of the Chinese Nationalists. This was never more clearly shown than in yesterday's unequivocal statement by the Albanian delegation, long considered to be the U.N. voice of Chairman Mao.

Mr. Speaker, I submit that it is time for a reordering of priorities in our foreign policy. While it is important that we do all that we can responsibly do to better relations with our enemies, we need to give far greater emphasis to our determination to stand by our proven friends. Never should we betray our allies in the vain hope that our enemies will somehow think better of us.

If we make it a practice to sell out our friends to appease our enemies, we are soon going to find ourselves friendless, probably with our enemies' hostility unremitted.

I still support the President's initiatives toward better relations with Red China. I think that it would not really hurt anything to allow Mao's regime a seat in the United Nations; it could even improve the prospects for world peace. But if the price of Red China's admission is the expulsion of a good and faithful ally, then the U.S. delegation should take every available measure to stop this treacherous proceeding. If the members of the United Nations decide to dump Taiwan, we should make matters much simpler by giving Peking our seat. Let them pay the bills for a change.

Mr. Speaker, just as I was pondering what to say today about the need to stand by our friends on Taiwan, a most excellent editorial column by nationally syndicated Columnist Holmes Alexander was brought to my attention. The article appears in the Valparaiso, Ind., Vidette-Messenger of October 2 and deserves the attention of every Member of this body. I insert Mr. Alexander's article at this point in the RECORD:

NATIONAL SCENE

(By Holmes Alexander)

WASHINGTON, D.C.—To Hon. Charles Yost, United Nations, New York (Please Forward):

Hey, Charlie, cut it out. I read an article under your name that could have been titled, "Perfidious America," or "How To Paint A Black Lie White." We've known one another since college days, and I have never before found you to be devious—not until that piece you wrote on our relations with the two Chinas.

Why, last winter I turned President Nixon's picture to the wall for a couple of days after he fired you from your job at the UN and replaced you by a lame duck Congressman, George Bush, who'd just been beaten in his race for the Texas Senate seat.

HAS SECOND THOUGHTS

But now I've had second thoughts about those regrets. George couldn't possibly know as much about international matters as you do, but I would rather have the United States represented by the Village Blacksmith if that's what it takes to keep America honest even in a den of thieves like the UN.

We wouldn't be playing fair and square if we followed the advice given in your article. You say that we should "devoutly hope" that the United States gets beaten on its policy for two Chinas, or what is now called dual representation.

Not only are you pulling against us, but you're telling Bush, Secretary of State Rogers and President Nixon to play it crooked and to throw the game.

WANT US TO REFRAIN

You want us to refrain from lobbying for our policy, and to go into the smoke-filled room with representatives of other nations and scheme to defeat the policy which we profess to favor. You want us to be the covert patron of Red China, and the smiling betrayer of Nationalist China, an unoffending friend and ally.

If your machinations worked out, to use your own words: "Peking would be seated in the Security Council and the General Assembly and the Nationalist Chinese would consequently lose their seats."

I ask you—is that cricket? Is it even smart politics? When the Republic of China was made one of the original five members of the Security Council, it was a big country and a major power.

LOSES ALL BUT ONE

It's true that Nationalist China has lost all but one province of what was a vast domain, but if that's a good reason for betrayal, when do we begin to sell out Great Britain which has lost the front part of that name along with a whole empire since the Security Council was formed?

France, another charter member, has lost all its holdings in Indochina and North Africa. When do we say, "Lafayette, here's your hat. What's your hurry?"

People who know about such things in Washington tell me that the smaller countries at the UN will refuse to go along with any skull-duggery that would result in the total ousting of the government on Formosa.

WHO IS NEXT?

The question in the minds of insecure countries would be, "Who's next?" The socialist nations of north Europe would be tempted to gang up on the dictatorships of Spain, Portugal and Greece.

Some President, following your proposal, might decide to give Israel's seat to a future People's Republic of Palestine.

There isn't any real good time to plunge the dagger in a friendly back, but right now is about the worst time. Our troops are shaming us in Europe, and we hardly have any face to save in Asia.

A SIZABLE HINT

There's a sizable hint, which very much resembles a threat, in the section of your article where you imply that if Red China doesn't get what it wants in October, the invitation for the President to pay his later visit may be withdrawn.

It seems to me, Charlie, that we already have reason to lament that we ever opened any dealings with Red China.

Here's an enemy nation which now has the opportunity of humiliating our President and of reducing his chance of re-election. Some days it just doesn't pay to play Ping Pong.

Mr. WAGGONNER. Mr. Speaker, now that I have read a legal memorandum prepared by the State Department regarding the question of admitting Red China to the United Nations, I can understand why we have taken the turn we have in our foreign policy with regard to this question. I would expect nothing more from the State Department. However, I would have hoped that President Nixon, as President Johnson before him, would have stopped listening to the "America last" bunch at State. It is indeed a pity that the President did not fulfill his campaign promise to the American people and clean house at State as he said he would do.

The one legal weapon the United States has in refusing to admit Red China to the U.N. and at the same time refusing to allow Nationalist China to be expelled, is the power to exercise the veto in the Security Council. Unfortunately, the State Department has decided in advance to admit Red China and has prepared a memorandum to "legally" justify that position, veto power notwithstanding.

Well, I can tell you one thing. I, for one, am getting pretty sick and tired of the "America last" group in the State Department, and pretty sick and tired of the United Nations as a whole. It is past time that we here in the Congress began thinking about decreasing our support—financially and otherwise—to the United Nations. Why should the American people continue to carry the financial burden of an organization that consistently works against those things which are in the interests of the United States; and particularly at a time when we are having our own economic problems. President Nixon has suggested cutting back on Federal spending. I agree, a good place to start would be the United Nations.

To admit Red China to the U.N. when the U.N. Charter itself precludes admitting any nation other than a "peace loving" nation, would make even more of a mockery of the U.N. than it is already.

Now, I see in this morning's Washington Post where the U.N. has agreed to allow a known Soviet agent, "a veteran officer of the Soviet Secret Police—KGB"—to serve on for 2 more years in his ostensible capacity as a director of external relations for the U.N. office of public information. Is that not a joke? He is in the public information business alright. Stealing classified information from the U.S. Government. This same article mentions that American security experts have said that one of this Soviet agent's key assignments "was to cultivate American scientists." And we wonder why the Soviets are on the verge of passing us in scientific technology? Well, I think there is one thing we can say about the United Nations. And that is it is a good place to harbor anti-American spies.

I insert in the RECORD at this point the above-mentioned State Department memorandum and the article from the Washington Post for today, October 6, 1971:

MEMORANDUM

A question has been raised as to the legal basis for seating the People's Republic of China in the UN Security Council as one of the five permanent members of the Council.

It should be noted that the question of participation of the People's Republic of China in the UN does not involve the question of admission of a new member to the UN. China is already a member, and the question to be resolved is "How shall China be represented?" The proposal that both the People's Republic of China and the Republic of China be represented in the General Assembly, with the People's Republic of China seated as one of the five permanent members of the Security Council, would accord fully with existing realities and the objective of permitting all of the people on both sides of the Taiwan Strait to be effectively represented in the UN.

Since the General Assembly represents all the membership of the UN and is the UN's only completely representative body, it is entitled to state its opinion to the Security Council on the question of the Chinese seat in the Council. Indeed, some twenty years ago, in 1950, the General Assembly adopted Resolution 396 (V) which states that "in virtue of its composition" the General Assembly should consider questions concerning competing governmental claims of this character. While, under the Charter, the Security Council must of course finally determine questions concerning its composition and operations, it is perfectly clear that the members of the Security Council would pay the most serious attention to a General Assembly expression of opinion. Amendment of Article 23 of the Charter would not be required in order to seat the People's Republic of China as one of the five permanent members of the Council, since the right of representation of the PRC in the Security Council would be derivative from the status of the ROC as an original member of the U.N. dating from the entry into force of the U.N. Charter pursuant to Article 110 (para 3) of the Charter.

U.N. EXTENDS CONTRACT OF RUSSIAN CALLED SPY

UNITED NATIONS, October 5.—The United Nations extended for two years today the contract of a Russian working as a U.N. information official who was named in a news report as "a veteran officer" of the Soviet secret police (KGB).

A U.N. spokesman said the Soviet mission had agreed to a request to allow the official, Vladimir P. Pavlichenko, to serve two more years as director of external relations for the U.N. office of public information.

The New York Times said Sunday that Pavlichenko was identified by "American security experts" as a KGB agent and that one of his "key assignments" was to "cultivate American scientists."

Pavlichenko denied the report last night, terming it "slanderous and false."

The U.N. spokesman said Secretary General U Thant had received "no official information from the U.S. government on the subject" and that Thant was not going to "dignify an unsubstantiated report of this kind" by making an inquiry.

U.S. Ambassador to the United Nations George Bush told newsmen that "at this point . . . I must say nothing on that subject."

However, American and U.N. officials said privately they believed Pavlichenko would soon develop a "diplomatic illness" and leave the United Nations.

Mr. BEVILL. Mr. Speaker, there has been a lot of discussion within recent weeks over the possible admission of Communist China to the United Nations and the expulsion of Taiwan. I would like to take this time to say that I am strongly and unalterably opposed to the expulsion of the Republic of China—Taiwan—from the United Nations.

When the President first announced his intention to visit Communist China, I made the statement that in my opinion this trip, which has many obvious dangers, could be very instrumental in bringing about peace in Southeast Asia. I still hold to this opinion. However, I have some serious reservations over the possible admission of Red China to the United Nations, especially if it means that Taiwan will lose her seat.

We must, of course, eventually have dialog with Red China. But I strongly oppose rushing to accept Red China as a friend and at the same time repudiate our friends on Taiwan who have stood with us through the years in our fight against Communist domination of Southeast Asia.

It is probable that Red China is headed for eventual membership in the United Nations regardless of the position we take. But I plan to do everything within my power to see that Taiwan retains her seat in the United Nations.

I do not believe Communist China will suddenly change her revolutionary tactics simply because there is a change in her relationship with the United States.

We must not forget that Communist China poses a threat to the entire world with its continued development of intercontinental ballistic missiles and its announced goal of subverting the world to Maoist Marxism-Leninism by every means at its command.

Mr. ZABLOCKI. Mr. Speaker, I wish to thank the gentleman from Florida (Mr. SIKES) and commend him for ar-

ranging this special order in order that we may have this opportunity to discuss a most important issue: the China question.

The issues which have been raised with respect to the representation of China in the United Nations go to the very core of the integrity and world standing of that organization.

If the United Nations, in order to accommodate itself to what some people describe as "the reality of the world situation," should turn its back on the Government which has represented the Chinese people in that organization for the past quarter of a century, then the United Nations shall suffer the consequences of its own lack of principle.

I hope that the United Nations will not be a party to any such action. Certainly the United States should not, must not be a party to any such action.

What puzzles and concerns me, therefore, is the course of action which President Nixon's administration has proposed with respect to the issue of Chinese representation in the United Nations.

In a document purporting to explain "the legal basis for seating the People's Republic of China in the U.N. Security Council as one of the five permanent members of the Council," the administration has argued that "existing realities and the objective of permitting all of the people on both sides of the Taiwan Strait to be effectively represented in the U.N." dictates this course.

In short, the administration's position maintains that China should be represented in the United Nations by two governments—just the way the Soviet Union is represented by three delegations and three votes: the Soviet, the Byelorussian, and the Ukrainian.

I am not opposed to the membership of the People's Republic of China to the United Nations, but I would hope that such admission could be accomplished within the framework of article 4 of the U.N. Charter which provides that membership in that organization is open—

> To all . . . peace-loving states which accept the obligations contained in the . . . Charter and, in the judgment of the Organization, are able and willing to carry out those obligations.

Whenever the People's Republic of China is willing to abide by the provisions of the charter, the doors of the United Nations should be open to her.

I am, however, concerned about the administration's suggestion that the Republic of China should be kicked out of the Security Council and that the permanent seat, and veto power, in that body should be given to the People's Republic of China.

Article 23 of the U.N. Charter provides specifically that the "Republic of China" shall be a permanent member of the Security Council. How can that provision be changed without amending the Charter—and without the concurrence of the Republic of China?

The administration's "legal" position is that—

> The right of representation of the People's Republic of China in the Security Council Republic of China as an original member of would be derivative from the status of the the U.N. . . .

This kind of a "derivative right" would be in order if the Republic of China did not exist. But it does exist—from the very existence of the U.N. Republic of China was a contributing member, always in good standing. Further, in the administration's view, not only exists but is entitled to represent "China," at least a part of it in the General Assembly.

It seems to me that the administration is doing its best to stretch the U.N. Charter—and to stretch it beyond reasonable limits—in order to make it fit what it calls the existing realities.

There is one other things that concerns me about the way in which this entire issue has been approached by our Government in recent months.

In addressing the issue of the Chinese representation in the United Nations, the United States has filed two resolutions in the U.N. General Assembly.

The one resolution embodies the "two Chinas" concept.

The other one proposes that the General Assembly decide that—

> Any proposal . . . which would result in depriving the Republic of China of representation in the United Nations is an Important Question under Article 18 of the Charter.

All important questions must be settled by two-thirds vote in the General Assembly.

On the surface, this U.S. proposal seems reasonable and solid—except for two things:

First, the Charter already provides, in article 18, that "the admission of new members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of members," and certain other issues are "important questions" which require a two-thirds vote.

Surely the expulsion of the Republic of China from its permanent seat in the Security Council is already covered by article 18 and should not require a separate action by the General Assembly to make it so.

But there is a second aspect to this matter: The "important question" resolution filed by the United States can be defeated in the General Assembly by a majority vote—not a two-thirds vote called for in the Charter for settling "important questions."

This would seem to mean that the United States is in effect proposing to amend the requirements of the U.N. Charter by a simple majority vote in the General Assembly—an action which would have to be considered most extraordinary, to say the least.

Mr. Speaker, I am certain that there is room in the U.N. Charter for the accommodation of conflicting claims, and for a reasonable solution of perplexing and complex problems. But in my view, such solutions should have some foundation in justice and equity—or else the United Nations will find itself going down the road of the defunct League of Nations.

In a report which Congressman JAMES FULTON of Pennsylvania and I submitted to the Congress after our services as members of the U.S. delegation to the 14th General Assembly of the United Nations, we wrote:

We are deeply concerned lest, in the resort to expediency, a race may be set off in the United Nations to settle issues on the basis of strength and of a number of votes, not on the basis of right or wrong. We must determine to face issues squarely. We must also actively discourage the apparent willingness of some nations to allow a wrong to be swept under the rug. Unless we do this, (i.e. the positions on the basis of right or wrong) the latter attitude can spread with disastrous consequences for the future of the United Nations. On our part, we believe that under certain circumstances, the U.S. representation in the United Nations must have the courage to fail for principle—or else we may ultimately fail because of lack of principles.

What we said in 1959 still applies today.

I earnestly hope, therefore, that when the hour of hard decision arrives, that our Government will do not only what needs to be done but also, and more importantly, what ought to be done.

Mr. Speaker, in concluding my remarks I place in the RECORD the full text of the memorandum from which I quoted, relating to the so-called "legal basis" of the current U.S. position on the China representation issue:

MEMORANDUM

A question has been raised as to the legal basis for seating the People's Republic of China in the UN Security Council as one of the five permanent members of the Council.

It should be noted that the question of participation of the People's Republic of China in the UN does not involve the question of admission of a new member to the UN. China is already a member, and the question to be resolved is "How shall China be represented?" The proposal that both the People's Republic of China and the Republic of China be represented in the General Assembly, with the People's Republic of China seated as one of the five permanent members of the Security Council, would accord fully with existing realities and the objective of permitting all of the people on both sides of the Taiwan Strait to be effectively represented in the UN.

Since the General Assembly represents all the membership of the UN and is the UN's only completely representative body, it is entitled to state its opinion to the Security Council on the question of the Chinese seat in the Council. Indeed, some twenty years ago, in 1950, the General Assembly adopted Resolution 396 (V) which states that "in virtue of its composition" the General Assembly should consider questions concerning competing governmental claims of this character. While, under the Charter, the Security Council must of course finally determine questions concerning its composition and operations, it is perfectly clear that the members of the Security Council would pay the most serious attention to a General Assembly expression of opinion. Amendment of Article 23 of the Charter would not be required in order to seat the People's Republic of China as one of the five permanent members of the Council, since the right of representation of the PRC in the Security Council would be derivative from the status of the ROC as an original member of the U.N. dating from the entry into force of the U.N. Charter pursuant to Article 110 (para 3) of the Charter.

Mr. FISHER. Mr. Speaker, within a month the United Nations is to decide on the admission of Red China. Within a month a resolution in the United Nations is to be considered which would expel the Republic of China from the Security Council and from the United Nations.

If the latter should occur, such an

action would in my judgment mark the beginning of the end of the United Nations as a peacekeeping international establishment.

These developments and the actions that are taken must be of grave concern to all Americans who think of the United Nations as a place where nations are supposed to be engaged in the business of promoting peace and not in warmaking. On that score Red China simply does not qualify. Admitting the Peking regime would be like adding a known outlaw to a police board to maintain order in a community.

Above everything, the Republic of China must not be expelled from the Security Council. Its place there is secure from a legal and moral standpoint. It was placed there when the United Nations was established, as a spokesman for the people who live in Formosa and those who live on the Chinese mainland. That status and that responsibility has not changed. Its status was established then, and nothing has occurred since that time to change that status.

If it comes to that, the United States should and must exercise its veto power in that council, should that become necessary. It can assert that authority if it chooses, notwithstanding some legalistic gyrations indulged by some. If the United States is to remain a member of the U.N. it is high time, and it is imperative, that we assert ourselves there firmly and forthrightly, and not equivocate over legalistic theories.

Moreover, Mr. Speaker, if our veto authority in the Security Council should be challenged, and if by some fortuitous ruse or accommodation that challenge is sustained, then we should immediately withdraw from the United Nations.

Moreover, the time is overdue for the Congress to reexamine the amount of our contribution to the U.N. budget, and this fact is accentuated by the developments about which I have spoken. Indeed we must make crystal clear that we will take appropriate steps through the appropriation process to immediately reduce our commitment and henceforth have it relate to our population and the size of our national debt—as compared percentagewise with the public debt of other member nations.

Mr. Speaker, the issue of treatment accorded our proven friend—and the friend and defender of peace and freedom, the Republic of China—is of transcendent importance. On this issue the United States must not equivocate or compromise. Regardless of whether the Peking regime is admitted or not admitted, we must insist, and indeed demand, that the Republic of China retain its rightful seat in the U.N. and in the Security Council.

I am convinced the vast majority of Americans subscribe to what I have said. It is the duty of the Congress, and it is the duty of all who represent our Government, to confirm our policies and conform our actions with the composite will of the American people.

Mr. CRANE. Mr. Speaker, there is much discussion today about the Albanian resolution which is before the United Nations, proposing to expel the Nationalist Chinese from that body and replace them with the Communist Chinese Government of Mao Tse-tung.

Few of those who have entered into a discussion of this question have done so with any evident awareness of what the Charter of the United Nations has to say with regard to the question of expelling a member.

Section 2 of article 18 states quite clearly that—

> Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: . . . the expulsion of members.

According to the charter itself the expulsion of any member is an important question requiring a two-thirds majority vote. Yet, we hear that the General Assembly is being asked to decide whether or not the expulsion of Nationalist China is an important question. Those concerned with maintaining the integrity of the United Nations Charter should read section 2 of article 18 with some care.

In a recent statement published in the Washington Post for October 1, Jen-Chao Hsieh, convenor of the Foreign Relations Committee of the Legislative Yuan of the Republic of China, notes that—

> Without a recommendation of the Security Council, the General Assembly has absolutely no right to debate or to vote on any resolution to expel any member. As a matter of fact the Republic of China is a founding member. Article 6 of the charter states: "A member of the United Nations which has persistently violated the principles contained in the present charter may be expelled from the organization by the General Assembly upon the recommendation of the Security Council." The first thing to do is to prove that the Republic of China . . . has "persistently violated the principles of the present charter."

It is not the Republic of China which has violated the Charter. The Communist government of Mao Tse-tung, however, has been declared an aggressor in Korea by the United Nations itself. The Peking Government has launched an attack upon India, and has committed genocide in Tibet. It has eliminated religious freedom and barred exit and entry from the country. By doing these things it is in clear violation of the U.N.'s Declaration of Human Rights.

To admit Communist China and expel Nationalist China would be making a mockery of the United Nations Charter and, accordingly, of the United Nations itself.

Beyond this, the Republic of China is a permanent member of the Security Council. This is a right that cannot be taken away except by an amendment to the Charter. Those who seek to bypass the Security Council and to declare that the expulsion of a Member of the United Nations is not "an important" question are clearly violating the very rule of law which the United Nations is pledge to uphold.

I share Mr. Jen-Chao Hsieh's statement with my colleagues, and insert it in the RECORD at this time:

TAIWAN AND THE UNITED NATIONS

Concerning the China debate in the United Nations there seems a great deal of confusion which should be clarified. They have all forgotten the U.N. Charter—the "constitution" of this world body. Any resolution violating the charter is "unconstitutional"; anything unconstitutional cannot be debated, if debated, cannot be voted, and if voted, it is legally invalid.

(1) Without a recommendation of the Security Council, the General Assembly absolutely has no right to debate or to vote on any resolution to expel any member. As a matter of fact, the Republic of China is a founding member. Article 6 of the charter states: "A member of the United Nations which has persistently violated the principles contained in the present charter may be expelled from the organization by the General Assembly upon the recommendation of the Security Council." First thing to do is to prove the Republic of China, a founding member, has "persistently violated the present charter." Second step, the Security Council—only the Security Council—considers this resolution. Then, a recommendation is made by the Security Council to the General Assembly. Now the so-called Albania resolution and even the American resolution are debated in the General Assembly without any recommendation whatsoever from the Security Council. Evidently the debate itself is "unconstitutional."

(2) Any resolution to expel a member must "be a two-thirds majority of the members." The General Assembly has no right to vote whether "a two-thirds majority" is required or not to expel a member. If a vote is made by the General Assembly, the vote itself is "unconstitutional."

Please read Section 2 of Article 18: "Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: . . . the expulsion of members . . " "The expulsion of any member" is always an "important question" and naturally it is entirely not necessary for the General Assembly to consider whether it is an important question. A resolution to consider it is legally "unconstitutional" in violating the charter.

The so-called Albania resolution proposing to expel a member is evidently governed by Section 2 of Article 18; and a two-thirds majority is always required. This requirement is stated in Section 2; it is not a category under Section 3 for a majority of the members to decide whether a two-thirds majority is required or not.

(3) The Republic of China is a permanent member of the Security Council—an inalienable right that cannot be taken away by any means without an "amendment" to the charter. The Article 23 states: "The Republic of China . . . shall be a permanent member(s) of the Security Council." Any resolution of the General Assembly to take away this constitutional right of the Republic of China or even thinking of such a thing is clearly "unconstitutional."

I shall be grateful to you if you would kindly print this letter of mine sent to you directly from the Legislative Yuan (Congress) of the Republic of China.

JEN-CHAO HSIEH,
Convenor, Foreign Relations Committee, Legislative Yuan, Republic of China.
TAIPEI.

Recently, a paper has come into my possession which is purported to be a position paper prepared by the State Department. This paper totally rejects the position advanced by Mr. Jen-Chao Hsieh. It argues, instead, that the "question of participation of the People's Republic of China in the U.N. does not in-

volve the question of admission of a new member to the U.N." This paper goes on to state that—

China is already a member, and the question to be resolved is: "How shall China be represented?"

It is rather unusual for our own Government to advance a position which serves the interests of Communist China, eliminates the interest of the Republic of China, to whom we have both moral and legal obligations, and, most importantly, violates both the spirit and letter of the United Nations Charter.

I share this surprising document with my colleagues:

TEXT PREPARED BY STATE DEPARTMENT

A question has been raised as to the legal basis for seating the People's Republic of China in the UN Security Council as one of the five permanent members of the Council.

It should be noted that the question of participation of the People's Republic of China in the UN does not involve the question of admission of a new member to the UN. China is already a member, and the question to be resolved is "How shall China be represented?" The proposal that both the People's Republic of China and the Republic of China be represented in the General Assembly, with the People's Republic of China seated as one of the five permanent members of the Security Council, would accord fully with existing realities and the objective of permitting all of the people on both sides of the Taiwan Strait to be effectively represented in the UN.

Since the General Assembly represents all the membership of the UN and is the UN's only completely representative body, it is entitled to state its opinion to the Security Council on the question of the Chinese seat in the Council. Indeed, some twenty years ago, in 1950, the General Assembly adopted Resolution 396 (V) which states that "in virtue of its composition" the General Assembly should consider questions concerning competing governmental claims of this character. While, under the Charter, the Security Council must of course finally determine questions concerning its composition and operations, it is perfectly clear that the members of the Security Council would pay the most serious attention to a General Assembly expression of opinion. Amendment of Article 23 of the Charter would not be required in order to seat the People's Republic of China as one of the five permanent members of the Council, since the right of representation of the PRC in the Security Council would be derivative from the status of the ROC as an original member of the U.N. dating from the entry into force of the U.N. Charter pursuant to Article 110 (para 3) of the Charter.

Our own Government, for many years, has taken an unusual position with regard to the United Nations. While we have paid a preponderant portion of the U.N.'s bills, we have had only a single vote—which is just and proper according to the Charter. Yet, we have not objected to the fact that the Soviet Union has three votes—including three of its states—the Ukraine, Georgia, and Byelorussia—as independent members. Thus, each time a vote is taken the Soviet Union outvotes us 3 to 1, for no other reason than that we have permitted such an unfair and illegal position to exist.

Given the fact that there is precedence for a single country having more than one vote, it is difficult to understand how the United Nations Communist members can argue that such a situation could not exist for Communist China and the Republic of China. To argue that Nationalist China shoud be removed from the United Nations while Peking is to be admitted and to have such a motion voted upon by such alleged "independent" states as the Ukraine, Georgia, and Byelorussia, makes a mockery of that organization.

The facts of life in today's world are that many nations are divided. East and West Germany, North and South Korea, North and South Vietnam, provide examples of such an unfortunate division. China is also divided, and for the United Nations to expel that portion which has lived up to its obligations under the Charter and which is specifically named as a permanent member of the Security Council and to replace it with that portion that has been condemned by the United Nations as an outlaw, hardly makes sense. It is, of course, a raw show of power. What makes it even more regrettable is that our own country seems to be assisting rather than resisting this rejection of the Republic of China.

Both we and the United Nations have an obligation to the Government of Nationalist China. If we abandon it, our commitments to other nations will hardly be credible, and the United Nations' alleged dedication to rule by law will be shown to be no more than a sham. These are the real choices before us, and it is to be hoped that we will grasp the nature of these choices before it is too late.

Mr. BUCHANAN. Mr. Speaker, for the United Nations to even consider the expulsion of the Republic of China from its membership is, to my mind, unthinkable.

The Government on Taiwan is a charter member of that body and has, without question, lived up to the principles prescribed by the United Nations. Notwithstanding this and the fact that Communist China has participated in a war with the United Nations forces—a war not even today ended by treaty—there are those who would expel the Republic of China, because that is the price demanded by Communist China for its participation in the U.N.

I am dismayed and outraged that such a step should even be considered by the United Nations. Such action would constitute an immoral and illegal violation of all the principles upon which the United Nations was founded.

Taiwan has been a model for the developing nations, reflecting a broadly shared economic progress within a framework of individual freedom unheard of in the repressive society of Communist China.

In every way except in control of territory and people, Taiwan is the true China. If the Republic of China falls, the hope of all the Chinese people falls with it.

In vivid contrast to the poverty and repression which mark the mainland of China, Taiwan has blossomed like a rose. Its impressively successful land reform program and its growing industry have made it an outstanding example for the developing world. Indeed, Free China has joined the United States and others as an aid-giving country to developing nations and its technical assistance in agriculture is a particularly impressive story in Africa.

The Republic of China is a moving force for peace and development in an organization which was created to promote world peace.

How can the fact that it controls less territory and population than its Communist counterpart justify the expulsion of a government which clearly and directly represents more people than do 90 other governments holding seats in the U.N. General Assembly and which claims the support of many other Chinese people living under the heel of a repressive government on the mainland?

In the U.N. does all power come from the barrel of a gun? Is that organization willing to deny representation to millions of Chinese in order to appease a Communist government, because it controls more millions of Chinese?

If so, the United Nations has become a whited sepulchre filled with dead men's bones, and all its lofty statements of principles are reduced to "a tale told by an idiot, full of sound and fury, signifying nothing."

Mr. Speaker, should the Republic of China be expelled from the United Nations, I for one, will not vote one penny in further support for an organization which would so abandon its principles and so unjustly and despicably abuse one of its charter members.

Mr. SCHMITZ. Mr. Speaker, I welcome the chance to participate in this special order. There is very little question in my mind, and indeed there should be little question in the mind of any reasonable man—whether friend or enemy of the United Nations, that the expulsion of Nationalist China from that body would be the final proof that it is unwilling even to attempt to achieve the goals which are set forth in its charter. Expelling a nation which has lived up to the charter and made every effort to contribute to the peace and security of the world, and accepting in place of such a nation a group of international outlaws who have been rightly branded as an aggressor by the United Nations itself, is to encourage aggression at the expense of peace-loving nations.

The United States should not contribute one nickel to an organization which encourages and promotes aggression.

However, there is another question which has not been adequately addressed in the general discussion surrounding the question of Chinese representation in the United Nations. Why acquiesce in the admission of Red China to the United Nations in any case? By focusing on simply retaining membership in the United Nations for Nationalist China we are sidestepping a most important question. Many say that Red China's admission is inevitable and, therefore, we should ignore this question.

The myth of inevitability is one of the most important weapons of the world Communist movement. It is designed both to motivate the followers of this doctrine of class hate and continuing war and to demoralize the opposition. Its demoralizing effect is based on the sound premise that few people will determinedly resist something that they feel is bound to come to pass no matter what

they do. It is designed to introduce a sense of fatalistic resignation in the opposition and provide a "reasonable" explanation for failing to fight what we know to be undeniable evils. Although few Americans accept the absurd Marxist myth of mysterious material productive forces determining the course of history with "the inevitability of a law of nature," it is unquestionably true that a myth gathers its strength not from being true or false, but from being believed, and that there are many ways other than doctrinal dissertations on the fundamentals of Marxism-Leninism to produce the sapping of enemy strength which comes with acceptance of the notion of inevitability.

A good example of this myth, which is sometimes referred to as the self-fulfilling prophecy, can be seen in a book written in the 1930's by pro-Mao Tse-tung writer Edgar Snow. In his book, "Red Star Over China," the inevitable conquest of China by the Chinese Communists is the major theme. Now the fact that the Communists did in fact succeed in conquering China, and have destroyed from 34 to 60 million of the Chinese people, is less a proof of the foresight of Mr. Snow, and others like him, than of their own efforts to destroy the resistance to this conquest. The prophecy was fulfilled because, among other things, many influential individuals were induced to accept it. Mr. Snow and the others did not once refer to the influence of the material productive forces as the causal factor but used arguments to which the non-Communist Western mind was more receptive; that is, Mao Tse-tung was an agrarian reformer who had the overwhelming support of the Chinese people while Chiang Kai-shek was a corrupt tyrant.

While the situation we face today is not identical, as no historical situation can be, the myth of inevitability has again raised its hydra head. The administration has in truth brought about a situation in which it seems unlikely that Red China will be denied entry to the U.N. When the administration uses the inevitability argument to rationalize its abandonment of a longtime policy and a longtime ally, we ought to remember that the administration has been pursuing a policy toward Red China which had to bring about exactly this state of affairs. The administration has been making various moves to "normalize relations" with the Chinese Communists since the outset of Mr. Nixon's term. This has all been documented by the President himself in his two state of the world messages.

However, there is one point not generally known which I would like to bring to the attention of my colleagues. On April 15, 1971, the date when the President announced the easing of certain trade restrictions which had applied to Red China for 20 years, Mr. Harrison Salisbury of the New York Times made an interesting statement over BBC Radio. Mr. Salisbury claimed that the President had told him of his intention to "normalize relations" with Red China prior to his election and went on to state that—

> In quiet, persistent and very intelligent ways, he and the State Department have steadily moved in this direction ever since.

If Mr. Salisbury is telling the truth it is unfortunate that the President did not see fit to announce to the voters that he was going to "normalize relations" with Red China prior to this election. It was obviously an important issue of which the voters should have been made aware in order to intelligently assess the merits of the various candidates. It will be an issue in the upcoming election and it is important that the voters understand that the possible admission of Red China to the United Nations, and the possible expulsion of Nationalist China from that body, was brought to pass by the conscious action of the administration. Although the administration may put up a fight over the expulsion it possibly can be laid at the door of the policy actively pursued by our current President.

Mr. Nixon knows, as well as everyone else, that foreign policy decisions do not take place in a vacuum but in the real world where appeasement is taken as a sign of weakness and other nations make their plans not according to the professed desires of the American leaders, but according to their own national interests as they understand them. The flood of support for the admission of Red China to the United Nations and the expulsion of Nationalist China has manifested itself, because the administration began tearing down the dikes of free world solidarity.

The admission of Red China to the United Nations is not inevitable. Since Red China has not been admitted to the United Nations at this point there is still the possibility that it will not be. The administration could reverse its position and the course it has been following for the last several years and take a strong stand against admission. A strong stand consists of reminding all the members of the U.N. that we foot one-third of the bill for that organization and it is not inevitable that we continue to do so. There is nothing in the Constitution demanding that our taxpayers support a body which has shown itself not only incapable of preserving the peace but has actually served as an instrument of aggression. The case of Katanga immediately comes to mind.

Whether or not the administration takes such a stand, Congress can do so on its own. Many Members of Congress see no merit whatsoever in the admission of Red China to the United Nations, whether Free China retains its membership or not. The attitude and past action of the Chinese Communist leaders should be well known to all of us. They are ardent followers of the Leninist cult which has been accurately described as "the dogmatic worship of a self-righteous idol derived from logical absurdity and deceit and maintained through power fanaticism and blood." The men in charge of the Chinese Communist Party are some of the worst butchers of our time. The following table showing the death which can be definitely attributed to these fanatics appeared in the Senate Internal Security Subcommittee report entitled, "The Human Cost of Communism in China":

CASUALTIES TO COMMUNISM IN CHINA

	Range of Estimates	
1. 1st Civil War (1927–36)	250,000	500,000
2. Fighting during Sino-Japanese War (1937–45)	50,000	50,000
3. 2d Civil War (1945–49)	1,250,000	1,250,000
4. Land reform prior to "Liberation"	500,000	1,000,000
5. Political liquidation campaigns (1949–58)	15,000,000	30,000,000
6. Korean war	500,000	1,234,000
7. The "Great Leap Forward" and the communes	1,000,000	2,000,000
8. Struggles with minority nationalities, including Tibet	500,000	1,000,000
9. The "Great Proletarian Cultural Revolution" and its aftermath	250,000	500,000
10. Deaths in forced labor camps and frontier development	15,000,000	25,000,000
Total	34,300,000	63,784,000

Please note that 90 percent of the killings took place after Mao Tse-tung, Chou En-lai, and their apostles came to power.

If the United Nations admits these people to membership, the Congress of the United States must take it upon itself to reassert congressional prerogative and move to stop all funding of the United Nations. There is no other sensible course to follow. To those who say this is unrealistic, I say that we are the ones who have the power to decide whether the U.N. continues to get U.S. funds. For those who say that the admission of Red China is inevitable I say if the United Nations is so devoid of justice, reason, morality, and sound purpose as to bring the Red Chinese in, thus helping to seal forever the fate of over 750 million people then it is time the Congress return from myths to commonsense and end our participation in the United Nations. If tyrants and their friends want to hold a continuing dialog that is their business. There is no reason for the American taxpayer to help pay for these discussions, and that is our business.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 60 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation.

Americans are leaders in the field of medicine. Tuberculosis vaccine produced in the United States was developed first in 1928 by Dr. William Park of the research laboratory of the New York City Health Department.

THE REVENUE ACT OF 1971

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

man from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, it has been argued that because nearly 30 percent of U.S. plant capacity lies dormant, we should not stimulate further investment of capital in plants and machinery. But it should be realized that just about all of this unused equipment and machinery is outmoded and unproductive. If the aforementioned out-of-date capacity were put into operation, those plants would actually lose money. This points up the fact that 30 percent of our capacity to produce, unused or even used as is, cannot produce the profits we need to expand this free economy and is, therefore, a very real burden to the economy and to our desire to produce more jobs.

Therefore, I rise in support of the Revenue Act of 1971 which includes a 7-percent investment tax credit. I also support the Treasury's administrative reform of depreciation allowances which was put into effect on June 22, 1971. Together they approximate the President's original request of a 10-percent job development credit for industry. This two-pronged effort will revive industry by a tax credit of $2.7 billion which will be invested in job-producing equipment and machinery as well as helping make American industry more competitive in world markets.

With a free market and in our advanced economy, much of the returns from production go to the workers—roughly 80 to 88 percent. Competition forces this. If workers are supplied with good tools and equipment, they are more productive and their wage level generally is higher than it would be otherwise.

The general level of wages is higher in our country when there is a relatively high investment in tools and equipment per worker. It is just that simple. In the United States, the investment per worker in tools may be $20,000, and it is not unheard of to find a particular business with an investment of $100,000 in tools and equipment per worker.

It is also important to point out, Mr. Speaker, that this tax package is well balanced. First it will bring much-needed profits, the benefits of which I have just mentioned. Second, it reduces taxes paid by individuals by $3.3 billion. And third, it relieves consumers from $2 billion in excise taxes.

It is important to emphasize at this point that high prices are not the result of fat profits. Average profits before taxes in the past two decades has been about 20 percent. Today, profits are down to 13.4 percent before taxes and prices are higher. The figures are dangerously accurate.

Furthermore, we must keep firmly in mind the fact that the profit motive is basic to the free enterprise system. And in turning from the philosophical to the pragmatic, we find that government, at all levels, gets over half of all corporate profits. So let me speak the unspeakable—rising corporate profits are good for the average man and are needed more than ever by the poor and the unemployed. Conditions in my own district, in Erie County, N.Y., have made this fact very clear. And what we need more of today is a healthy, dynamic economy where all can profit.

If we are to continue to compete in world markets and also pay the wages necessary to maintain the standard of living Americans deserve, we must increase productivity. This can only be accomplished by continuous improvement in technological equipment.

The investment tax is an amount deducted from the income tax liability of a corporation or individual for a percentage of the cost of new machinery and equipment. The purpose of the credit is to promote economic growth by encouraging modernization and expansion of machinery and equipment. The investment tax credit was first enacted in 1962, temporarily suspended from October 1966 to March 1967, and repealed in 1969. When first conceived, it was intended to be a permanent part of our tax structure. In my opinion, it has been very damaging to our economy to have it manipulated in this erratic fashion.

During the decade of the 1960's much of the Nation's long uninterrupted economic expansion was provided by capital investment which increased at an annual average rate of 8.8 percent as compared to an annual average rate of 5.4 percent in the 1950's. From a level of $36 billion in 1960, plant and equipment expenditures rose to more than $75 billion in 1969.

Last year, as a result of the repeal of the credit and the Government's efforts to curb inflation by slowing the pace of economic activity, the rate of capital investment slowed markedly. Plant and equipment expenditures rose only 5.5 percent, considerably below the annual average of the 1960's. Latest Government surveys taken before the President's new economic program was announced, indicated that investment in plant and equipment this year would creep up only about 3 percent from 1970's level of $79.7 billion. Obviously something had to be done to stimulate this sector of the economy.

The President had initially recommended an investment tax credit equal to 10 percent of the cost of new machinery and equipment produced in the United States and placed in service on or after August 16, 1971. This credit was changed to 7 percent for new machinery and equipment placed in service after April 1, 1971. No credit will be allowed with respect to machinery and equipment predominantly produced abroad so long as the import surcharge remains in effect. At the time the import surcharge is terminated, a 7 percent credit will be allowed with respect to such foreign-produced machinery and equipment.

The President has aptly termed the credit a job development credit. By encouraging investment, it will stimulate employment. The stimulus to invest will be greater during the next 12 months because of the larger credit for machinery and equipment placed in service during that period. Our machine tool and other capital goods producers should experience the earliest impact, creating new jobs in these and supporting industries. Such an upswing would certainly be welcomed by the machine tool manufacturers in the Buffalo-East Aurora area and Erie County who have suffered severe economic setbacks the last 2 years.

On a long-term basis, the replacement of our productive facilities with new, modern equipment will increase the productivity of our workers, making our domestic industries more competitive both at home and abroad. The resulting industrial expansion will in turn provide additional jobs, provide a sound basis for future wage increases where productivity has increased, and decrease inflationary pressures on prices.

The limitation on the credit for machinery and equipment which is predominantly produced abroad will create a preference in favor of American produced machinery and equipment. This will give our capital goods producers an opportunity to strengthen their capacities to meet the increasing foreign competition which they are experiencing.

The investment tax credit is an important fiscal tool. In addition to being a real and effective incentive to corporate investment in industrial equipment, the tax credit increases internal generation of corporate investment funds, lessening the need for industry's use of the perennially overcrowded capital markets.

The state of the economy at the moment is ideally suited for the reinstatement of the credit. Inflation has slowed appreciably, and the temporary wage-price freeze will slow it further. What is needed now is a shot in the arm to lower unemployment, provide new jobs for returning veterans, provide a permanent basis for the maintenance of reasonable wage and price levels, as well as to enable American industry to compete successfully with foreign manufacturers.

So long as capital investment remains flat, the overall economy will not recover strongly. The reinstatement of the investment tax credit, coupled with the recently liberalized depreciation regulations—the asset depreciation range system—which I also strongly favored, will provide the necessary stimulus to capital investment that will ultimately benefit Erie County and the Nation.

If the Senate passes the President's recommendation for the 7 percent investment credit and the bill is signed into law, it has been estimated that capital spending in the fourth quarter will show an increase of from 5 to 10 percent.

Unfortunately, there had been some discussion recently that the Treasury's administrative reform of depreciation allowances—just put into effect on June 22, 1971—must be sacrificed as a price for congressional enactment of the investment credit. I strongly disagree with this approach, and on June 3 of this year, I introduced a resolution to the effect that the Treasury has ample power to prescribe realistic, up-to-date depreciation allowances, without being subject to congressional approval or veto.

As a matter of fact, when the Kennedy administration first proposed the investment credit in 1962, it was widely advertised as part of a two-pronged attack against the problems of lagging capital investment, obsolescence of plant and

equipment, and increasing the competitiveness of American exports in world markets.

The second prong was, of course, accelerated depreciation, which at that time took the form of "guideline lives" for various classes of capital assets. At that time, the Ways and Means Committee said in the committee report on the Revenue Act of 1962, and I quote:

The 8-percent tax credit provided by this bill is a complement to the administration's plans for revising the guidelines for the tax lives of property subject to depreciation. It is believed that the investment credit, coupled with the liberalized depreciation, will provide a strong and lasting stimulus to a high rate of economic growth and will provide an incentive to invest comparable to those available elsewhere in the rapidly growing industrial nations of the free world. * * *

Realistic depreciation alone, however, is not enough to provide either the essential economic growth or to permit American industry to compete on an equal basis with the rapidly growing industrial nations of the free world. The major industrialized nations of the free world today provide not only liberal depreciation deductions but also initial allowances or incentive allowances to encourage investment and economic growth. This is true, for example, in Belgium, Canada, France, West Germany, Italy, Japan, the Netherlands, Sweden, and the United Kingdom.

On balance, Mr. Speaker, I think the economic actions taken by the President and his recommendations for legislative action are excellent.

I would be reluctant to trade ADR for the investment tax credit. Also, I am not in favor of the frequent tampering with the investment tax credit. My position will continue to be to favor a permanent 7-percent investment tax credit along with the accelerated depreciation allowances.

The Congress must act decisively on this and other elements of the President's program requiring legislation. While many of his proposals are stern, they are needed to combat persistent inflation and unemployment and strengthen the dollar at home and abroad. I intend to do everything I can to expedite this program.

GOOD OLE KHRUSHCHEV

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 30 minutes.

Mr. ASHBROOK. Mr. Speaker, I call to the attention of my colleagues this eulogy:

He has bequested to his country the heritage of dimensions that only his death will begin to make, the writer wrote in his tribute. Before he died he published a "curious volume" containing his philosophy and many of his ideas for his country's future, "particularly for a freer, more humane, more contemporary, more liberal land."

Were these words penned by contemporaries of Washington, or maybe Gandhi, or perhaps Churchill? No indeed. These comments were made in the New York Times on September 12, 1971, by Harrison E. Salisbury following the death of Nikita Khrushchev, dictator, tyrant and former party and Government chief of the U.S.S.R., incidentally, Khrushchev subsequently repudiated this "curious volume" which Salisbury mentions, entitled "Khrushchev Remembers."

The Cleveland Plain Dealer, of the same date, reported that Khrushchev was mourned by statesmen and citizens yesterday as a leader of high stature. It pointed out that Senator Edward M. Kennedy said that during the Cuban missile crisis, the Russian leader "chose to put the cause of peace and the fate of mankind above national interest." Kennedy also remarked:

That decision stands as his hallmark on the international scene.

To the Kremlin leader was attributed the bringing down of "many of the barriers which previously had isolated Russia from the political and economic institutions of the West," according to Senator Hubert H. Humphrey, who added:

Nikita Khrushchev was truly one of those select individuals that history will remember for bringing about change in the world.

High stature and select individual, indeed. Clearly objective historians will remember him for his role in recycling the Ukraine and Hungary.

According to Mr. Eugene Lyons, former senior editor of the Reader's Digest, former press correspondent in the U.S.S.R., a serious student of international communism and biographies of the late Soviet leader, Khrushchev, as the No. 1 Communist official in the Moscow area, sent thousands to their death, scores of thousands to hideous slave-labor camps;

Was sent in 1937 as Stalin's trusted killer—to the Ukraine. His first move was to summon a conference of the entire Ukrainian Government, staged as a social occasion. The gathering was surrounded by the secret police, arrested en-masse, and most of his "guests" died in the cellars of the Kiev and Moscow secret police. When his 2-year Ukrainian purge was over, an estimated 400,000 had been killed and terror gripped the whole population;

Assumed—in 1943—the task of punishing the Ukrainian people for their welcome to the Germans. This second or post-war purge, again under Khrushchev's command, was if anything more bloody and more horrifying than the first. Those liquidated, by exile or death, ran into hundreds of thousands;

Made the final decision—as No. 1 in the Kremlin in 1956—to unleash the Red tanks that crushed Hungary's freedom and Hungary's freedom fighters. Our ambassador in Moscow at the time asked Khruschkev what he would do to stop the blood flowing in Hungary. To which the master of the Kremlin replied:

We will put in more troops and more troops and more troops until we have finished them.;

Issued the order that trapped the top freedom fighter, General Maleter, who was summoned to a fake conference under a flag of truce, then arrested, and in due time killed;

Issued the order that lured Nagy, head of the shortlived anti-Communist government, out of the Yugoslav Embassy where he had found asylum. Though he had been assured immunity, Nagy was arrested and eventually executed.

Mr. Lyons' statement was given as sworn testimony before the Committee on Un-American Activities on September 4, 1959. Other witnesses followed and gave firsthand accounts of Khrushchev's deeds which some current obituaries papered over.

Petro Pavlovych, former editor of a Ukrainian newspaper described the atrocities committee in that unfortunate land when he established the point that, all activity of the NKVD and other terror mechanisms were completely in Khrushchev's hands and, specifically, the purges and mass murders were by party order which he promulgated.

Dr. Ivan M. Molinin, who as a member of an official commission, performed autopsies on the bodies found in mass graves in the Ukrainian community of Vinnitsa, testified:

May I emphasize that the events that occurred at Vinnitsa stagger the imagination with their revolting inhumanity. The Vinnitsa massacres occurred only in one area at one time. But they were reported ad nauseum throughout Ukraine during Khrushchev's regime.

According to Dr. Lev E. Dobriansky, of Georgetown University, about 9,500 persons were massacred at Vinnitsa alone.

Nicholas Prychodko, who had observed firsthand the famine of the Ukraine in 1930–33, detailed the horrible scenes of starvation during Khrushchev's regime in that area caused by the seizure of the crops by the Communist Party. He testified:

First, I observed covered wagons moving along the street on which I lived and also on other streets in Kiev. They were hauling corpses for disposal. * * * These were peasants who flocked to the cities for some crust of bread.

The witness also saw 2,000 to 3,000 corpses in a large garage near a hospital. When asked who caused the deaths, he replied that the starvation was caused by police and the brigades under orders from Moscow. There had been enough food in the Ukraine to feed the population of that Republic for 2 years and 4 months but the police removed 90 percent for export. Prychodko said that the crops were removed because of the discontent and resistance to the Communist government in the Ukraine and to Moscow's collectivization program. Khrushchev at the time was one of "the esteemed executors of Stalin's genocide of the Ukrainian population whose ranks were reduced by 6 to 7 million persons, most of whom were peasants.

In 1938 Khrushchev was sent again to the Ukraine with a large group of NKVD men from Moscow and their arrival was followed by a full-scale purge throughout the Ukraine. The Communist purges of the 1930's wiped out over 400,000 Ukrainians.

Constantin Konomenko substantiated the above and added that—

Although Khrushchev may * * * properly assess against Stalin the basic decision that there was to be a mass starvation in Ukraine, * * *, Khrushchev was the one who carried out the basic policy of Stalin pursuant to which millions of human beings were deprived knowingly, premeditatively, of

the food which they themselves had raised. Khrushchev cannot disassociate himself from the blood and misery of the awful epoch in the history of Ukraine, in which he directly, actively, and knowingly participated as the chief engineer of the policy of his then chief, Stalin.

Mykola Lebed testified respecting the mass deportation of the Ukrainian population conducted by Khrushchev in 1944. Brutal terror was used against members of the Ukrainian insurgent army as well as the Ukrainian population at large. The NKVD, in which Khrushchev was a security general, and the NKGB used the following methods on members of the Ukrainian movement who were caught:

With hot irons they tortured those prisoners who were caught.

They cut into the skin and tore the skin off from the living body.

They also nailed people to the cross.

They cut off the sexual organs, and breasts of women.

They cut out eyes, broke bones in legs and arms, and extracted nails.

In some Ukrainian areas, sickness and illness broke out which required certain medical supplies. The police therefore poisoned medical capsules with injections of typhus which became widespread following this devious practice. Public water supplies were also poisoned as were candy and cigarettes. Khrushchev, first secretary of the Central Committee of the Ukraine's Communist Party and chairman of the council of ministers at the time directed these atrocities through his subordinate, Lieutenant General Riasnyv, the NKVD chief in the Ukraine.

Khrushchev's purpose was to terrorize the population and depress its will to resist Moscow. Following the war Khrushchev intensified his reign of terror against the Ukraine particularly against the Ukrainian Catholic Church and the Ukrainian Orthodox Autocephalic Church.

Dr. Gregory Kostiuk testified about Khrushchev's alleged rehabilitation of former dignitaries such as party officials and others who had been purged under Stalin. Following his secret speech against Stalin at the 20th Congress of the Communist Party of Soviet Union, Khrushchev rehabilitated, posthumously, well-known personalities such as Kossion, Chubar, Zatonsky, and many others and stated that they were persecuted without reason.

But Dr. Kostiuk then added:

I would like to state, however, that Khrushchev was not only responsible but actually was a leader in the murder of those people whose names I just mentioned.

Prof. Ivan Wowchuk testified regarding Khrushchev's alleged change to a "very humane person" and to the so-called liberal trend which supposedly followed Stalin's demise. The witness gave the following illustration involving prisoners in Soviet concentration camps who went on strike for better living conditions. At Camp Kingir, for example, 500 women were killed in 1954 by Soviet tanks. He added that the industrialization of the Soviet Union had continued to be based on slave labor, and that the number of prisoners under Khrushchev's reign definitely did not measurably decline. Only the methods of arrest were changed.

Dr. Lev Dobriansky, national chairman of the Ukrainian Congress Committee of America, testified that during Khrushchev's 1954–55 so-called virgin land policy, he had precipitated a forcible resettlement of countless Ukrainian youth, male and female, to Kazakhstan. This was nation-destroying genocide conducted under the guise of economic resettlement. Khrushchev, according to Professor Dobriansky, had rightly earned the title of the "Hangman of Ukraine."

In March and May 1956 the Soviet leader had dispatched Soviet tanks to Tiflis, Georgia, for the purpose of quelling an uprising there.

Joseph Kovago, former mayor of Budapest, testified that during the Hungarian uprising 30,000 Hungarians were killed by Khrushchev's armed forces. Officially, 2,500 persons were executed but unofficially the secret police victims were probably higher—and 12,000 persons were also deported to the U.S.S.R., 15,000 persons were confined to forced labor camps while hundreds of thousands of others were imprisoned. Concentration camps which had been abolished were reestablished after the revolt, the brutal suppression of which earned for Khrushchev the title, "Butcher of Budapest."

Harrison E. Salisbury wrote that Khrushchev "was not himself a killer." The former mayor of Budapest, told the committee that—

I think that Khrushchev is the best disciple of Machiavelli because if his own interests dictates it, he will kill; while he finds it useful, he will smile, will kiss children, will shake hands and show a good face.

Under Khrushchev's compulsory transfer program, many thousands of young Latvians "volunteered" to occupy the virgin lands of Kazakhstan, where according to Latvian Communist publications at the time, they would be required to "spend all their lives." The speaker was Dr. Vilis Masens, former high official of the Latvian Government who added:

The aggressive aims and designs, as well as methods of fraud and violence, of international communism basically have not changed under Khrushchev and are, in fact, as cruel as they were under Stalin.

Gen. N. S. Zakharov, who had accompanied Khrushchev to a formal White House dinner, was the deputy chief of the NKVD in Latvia, and was responsible for the mass deportation of Latvians to Siberia, including 200,000 in 1949 alone.

Vaclovas Sidzikauskas, former Minister Plenipotentiary of Lithuania, testified that—

The Lithuanian people consider Khrushchev * * * as being co-responsible for all the crimes committed by the Soviet Government against the Lithuanian State and the Lithuanian people.

He stated that Khrushchev's crimes in the Baltic States, of which he remained silent during his anti-Stalin speech, included not only physical deportation but also "Khrushchevfication" or intellectual decapitation of the nation.

When asked, "What will be the reaction in your native land when the Communist publication features these pictures of Khrushchev in the White House and Khrushchev meeting the top officials in this country?" Mr. Sidzikauskas replied: "The impact will be disastrous."

Obviously this can be the expected reaction for most of the long-suffering mainland Chinese and Nationalist Chinese—and also throughout the Communist world—when President Nixon is pictured shaking hands and "breaking rice" with Mao Tse-tung and Chou En-lai. Tensions may be lessend in foreign offices and state departments in various quarters of the globe, but it can only increase the tensions for the inhabitants of peoples living in areas under Communist control.

Mr. Ergacsh Schermatoglu, a native of Turkistan, which had been forcibly taken over by the Communists, stated that, under Khrushchev's colonization policy, about 1,500,000 came to Turkistan from the European part of the Soviet Union. The committee's witness stated that—

Brutality has very much increased, even as compared to the Stalin regime. Under Khrushchev it has increased strongly.

Under Stalin, 174 state-controlled agricultural enterprises—defined as forced labor camps by the witness—were created. Khrushchev increased this number to almost 900. "Our entire homeland is a forced labor camp" operating under an "iron-fisted dictatorship from Moscow," he testified.

Dr. Vitaut Tvmnsh, chairman of the Byelorussian Institute of Arts and Sciences in the United States portrayed Khrushchev's program for annihilation of Byelorussia. Under Khrushchev's initiative and design, hundreds of thousands of Byelorussians were transported yearly to Soviet Asia and to the northern European Soviet districts. The difference between Stalin's and Khrushchev's methods were not in goals, which remained the same, but in objectives. Stalin destroyed individuals but Khrushchev destroyed nations by depopulating them of their natural inhabitants and replacing them with Russians.

Anton Shukeloyts testified about communism's antireligious terror. He noted that the Byelorussian people had been Christian for almost 1,000 years. Under the Kremlin not a single Eastern Orthodox, Roman Catholic, Protestant, or Jewish facility remained.

In the capital of Minsk, the Orthodox Cathedral was dynamited to prepare a site for a circus. The metropolitan's Orthordox church was turned into an amusement club for Soviet officers, while the Catholic cathedral of St. Mary's, converted first into a garage for trucks, later became a sport club. The Jewish synagogue in Minsk was reconstructed to serve as a Russian theater. Minsk's oldest synagogue, built in 1633, was made into a warehouse. Before World War I, 4,500 Orthodox, 700 Jewish, and 450 Catholic churches flourished. Subsequently, these facilities were reduced to a mere handful and the priceless ancient relics of Byelorussian architecture and art destroyed.

Guivg Zaldastani, vice president of the Georgian National Alliance, spoke about certain newspaper accounts to the effect

that Khrushchev no longer operated slave labor camps. He testified that the Kremlin merely changed the names of such camps whenever the "evil was discovered," in the same way that the Soviet secret police had adopted new names for itself. The regime, said another Georgian, George Nakashidse, maintained power "by terror, by force, by intrigue, under the bayonets of Moscow."

The members of the press who, in their recent "obituaries," glossed over the Nazi-like methods and programs of "good ole" Khrush should note the remarks of the next committee's witness who was addressing himself to Khrushchev's description of himself and other Communists as "humanitarian." The speaker was Dimitar K. Petkoff of the Bulgarian National Committee:

My people regard it as a sacrilege to suggest that either Khrushchev or his Communist apparatus could be humanitarian. They are under the whiplash. They have seen their sons deported to far lands. They have had their property seized. They have had friends and relatives literally destroyed by this awful mechanism which is the enemy of their own freedom, both as a nation and in their individual lives. It is cynical to suggest that either Khrushchev or his regime could be humanitarian.

Tens of thousands of people were in Bulgarian prisons and for those crimes, as well as for the enslavement of the Bulgarian nation, "the Soviet dictator, Nikita Khrushchev, is responsible," said Mr. Petkoff.

Yet in spite of the above record, in country after country, a Los Angeles Times-Washington Post dispatch could state that Stalin's "great stroke of domestic reconciliation was de-Stalinization. Khrushchev undertook to smash the legend of Stalin and thereby to purge Soviet life of Stalin's ominous legacy of terror and fear." Khrushchev's "secret speech," the Los Angeles Times-Washington Post dispatch stated, destroyed the old god, but put up no new one; it released old hates and habits of obedience, but drew no fresh limits of authority.

In his analysis of Khrushchev's famous speech of January 6, 1961, on international Communist strategy, Dr. Stefan T. Possony, a leading American student of Soviet affairs, drew numerous deductions including the following:

First, the traditional goal of communism, the conquest of the entire world, is not only reaffirmed—by Khrushchev—but is held far more strongly and hopefully than in the past.

Second. Communist strategy has become more sophisticated than it was under Stalin.

Third. Armed struggle is inevitable. Such specific forms of armed struggle, as liberation wars, uprising, and "pressure from below" also are inevitable.

Fourth. A global thermonuclear war is not entirely inevitable. If the free world, and especially the strongest democratic countries, like the United States, capitulate then such a war may be avoided.

Fifth. The Communist Parties in the free world and their sympathizers must do everything in their power to facilitate nuclear blackmail by the Soviet Union and to prevent military resistance by the free world.

Sixth. The great turning point will come when the Soviet Union irrespective of per capita production in industrial goods, achieves technologically superior armaments and attains a military force which, qualitatively and quantitatively, will be superior to the military forces of the United States.

Seventh. The achievement of a military, political, and psychological paralysis of the free world is a paramount objective of Soviet strategy.

Eighth. This objective can be attained by such means as peace propaganda, pavlovian conditioning, infiltration, threats, and diplomatic negotiations.

Ninth. Propaganda on disarmament, specifically nuclear disarmament and disarmament negotiations are an integral part of the Soviet strategy aimed at paralyzing the free world and strengthening the power of communism.

The above are but a few of the points which Dr. Possony had drawn from the content of Khrushchev's candid remarks. But the remarks of a Possony or a Eugene Lyons or those of numerous, former high-placed officials or national leaders from Communist states are, one is led to believe, self-serving. Listen instead to the well known figures in America, the Kennedys, the Humphreys, the fashionable thought leaders of the press who, because their knowledge in these matters is in inverse ratio to that of serious students in the field, must for this reason be objective.

The press today, and for decades past, has been misleading the American public about the nature and goals of the Communist-bloc nations. Elementary in the cold war context is the fact that Communist governments are mere fronts for their respective Communist parties. However, it is the propaganda pronouncements of such governments which the mass media's international "experts" find so fascinating and which are promulgated to the American audience. Sound interpretive analysis of foreign Communist Party publications—not their governments—is the type of information which is required by a well-informed public. To the degree that the press refuses to do its homework, to that degree will the American public remain in the dark about matters which are vital to its welfare.

The press adamantly refuses to recognize that all the king's men cannot put the Humpty Dumpty of peace together again by negotiations, conferences, detents, disarmament, troop withdrawals, nonexclusionary U.N. membership policies, et cetera, with Communist states. In the game plan of international communism in which the cold war with the United States is conceived as a championship match, the book—the diplomatic book—was long ago thrown out. Nor will peace come by rationalizing the sordid deeds of a ruthless Soviet dictator by emphasizing his space or agricultural achievements. Is Mussolini remembered because the Italian trains ran on time?

Reportedly Khrushchev died peacefully in his sleep. May his untold, forgotten victims who died painfully and awake, find the true peace of those who sought vainly for justice here; especially the millions of paupered peasants to whom promises of land, by Lenin, were finally fulfilled when Khrushchev's agents deposited on their weary bodies several shovelfuls of the rich soil they so loved.

At this point, Mr. Speaker, I include a brief summary of the tyrannical career of the late Khrushchev, compiled by the Legislative Reference Service of the Library of Congress in July 1957:

WHO ARE THEY?

(By N. S. Khrushchev, First Secretary of the Communist Party of the Soviet Union)

The 20th Congress of the Soviet Communist Party opened with great fanfare in the Kremlin on February 14, 1956. Over 1,400 party representatives from all over the Soviet empire, as well as foreign delegates from 55 Communist parties the world over, were in attendance. This global representation of Communist leaders—some of whom participated in such secrecy that not even their names were divulged—was indicative of the role of Moscow as the political and ideological center of international communism.

Nikita Sergeevich Khrushchev, 63-year-old party boss, addressed the assembled delegates twice—each time in quite a different vein. His 45,000-word opening speech, in which he reported on domestic and international affairs, demonstrated his dominant role in the party and government. Of greater importance, however, was the frontal attack on Stalin which he made in a secret session on February 25, from which even the foreign Communist guests were strictly excluded.

On Stalin's 70th birthday, in December 1949, Khrushchev had hailed the then Soviet dictator as "our father, sage teacher, and brilliant leader of the party, the Soviet people, and the toilers of all the world." Now, only 3 years after his master's demise, Khrushchev depicted Stalin as the head of a gang of murderers and secret police terrorists, who had done immeasurable harm to the cause of communism. "Criminal violation of socialist legality," "barbaric tortures," "monstrous falsifications," "a mania for greatness," and "fantastic ideas of a person divorced from reality," were some of the accusations which Khrushchev used in his indictment of Stalin.

What were, however, the credentials of the first party secretary entitling him to assume the role of a prosecutor and judge rather than to sit as an accomplice in the dock of history? Had not the official Soviet "Political Dictionary" flatteringly referred to Khrushchev in 1940 as the "faithful disciple and companion-in-arms of Comrade Stalin"? For the last 14 years of Stalin's rule, Khrushchev was a member of the infamous Politburo, the highest policymaking organ of the Communist Party, where all decisions had to be taken unanimously. Indeed, it is a bitter irony that one of the very men who share the responsibility for the death of innocent people in Stalin's purges is now parading as the advocate of their posthumous "rehabilitation."

In drawing Khrushchev's profile, it may well be useful to throw some light on his past activities which, as we shall see, were replete with mass repression, intrigue, and two-facedness.

It was a peculiar coincidence that Khrushchev's rise to the summit of the party came at the time of the notorious purges of the mid-1930's. In 1934, on the eve of the "great purge," he became the first secretary of the Moscow Communist Party Committee as well as a member of the party's Central Committee. In the following year, he was also given the post of first party secretary for the entire Moscow region. At the peak of the purges in 1938, Stalin selected him as an alternate member of the Politburo and soon thereafter sent him to the Ukraine to carry out the party purge as first secretary of the Central Committee and a member of the Politburo of the Ukrainian Party.

Contrary to his present disclaimer of responsibility for the crimes committed in the Stalin era, Khrushchev actually took a prominent part in the mass terror in the 1930's and vigorously promoted what he now calls "the annihilation of honest Communists."

Thus, as Moscow party chief, he was in August 1936 an untiring organizer of numerous "crowded" meetings in which his underlings demanded the execution of members of the party's elite. Resolutions were passed on these occasions to address congratulatory messages to Stalin, Secret Police Chief Yagoda—who was in charge of the terror—as well as to Khrushchev. Again, at the beginning of 1937, when haranguing 200,000 Moscow workers at a mass rally which expressed thundering approval of the death sentences imposed on other old Bolsheviks, Khrushhev had this to say:

We are gathered here in Red Square to make our proletarian words resound, words full of approval of the sentences passed by the Military Collegium of the Supreme Court on the enemies of the people, the traitors to the Motherland, the betrayers of the cause of the toilers, the spies, the saboteurs, the agents of fascism * * *.

It is noteworthy that the same man who in 1937 had called for the liquidation of—to use his own words—the "enemies of the people" has this version to offer today:

Stalin originated the concept "enemy of the people" * * * This term made possible the use of the most cruel repression, in violation of all norms of revolutionary legality, against anyone who in any way disagreed with Stalin * * * This concept "enemy of the people" actually eliminated the possibility of any kind of ideological fight or the making of one's views known on this or that issue * * * The only proof of guilt used was the "confession" of the accused himself; and, as subsequent probing proved, "confessions" were achieved through physical pressures against the accused.

Because of his insistent attempts to subdue Ukrainian national consciousness and desire for self-determination, Khrushchev is among the men most hated in the Soviet Ukraine. He had been chosen twice—before and after World War II—to implement the sovietization of the Ukraine. In carrying out this assignment, he was as systematic as he was ruthless. His first target was the Ukrainian intelligentsia, whose members were accused by the Communists of trying to separate the Ukraine from the Soviet Union and to preserve the traditional Ukrainian culture. "We have destroyed," he declared in 1938, "a considerable number of enemies, though not all." Toward the end of the war, Khrushchev resumed his repressive policies in the Ukraine, exercising for 3 years a virtual 1-man dictatorship subject only to the control of Stalin. In a report which he submitted to the party in August 1946, he noted with satisfaction that a "mass replacement" of leading officials in the Ukraine was in progress and that in the preceding 18 months one-half of such personnel had been dismissed. In the same report, he took the local Ukrainian party organizations to task for their failure to combat national sentiment and "the rebirth of bourgeois nationalist concepts of the Ukraine in books, magazines, and newspapers." It is needless to say that 10 years later, when he became the most influential figure in the Kremlin, Khrushchev continued to be a determined foe of the national self-assertion of the Ukrainian people.

A salient feature of Khrushchev's record is to be found in his relentless onslaught on the farmers' independence. Even after the Soviet Government had taken away from the farmers the bulk of their land, Khrushchev did everything within his power to deprive them of the small lots that were still left to them. In the early 1950's he became one of the main advocates of a plan to urbanize the countryside, an undertaking clearly motivated by the desire to bring the collective farmers under closer economic and political control. Khrushchev's undertaking not only met with strong peasant opposition but was even criticized by influential circles in the party. No sooner was he entrenched in power than he resumed in 1956, his efforts to cut down the size of individual plots and reduce the number of people engaged in cultivating them.

This then, in short, is Khrushchev's record of accomplishments. His rise to power was accompanied by the betrayal and the physical destruction of his closest associates. At the helm of the party, he lost no time in undermining and finally ousting Malenkov and Molotov, his political rivals from the "collective leadership," and in establishing himself in Stalin's fashion as master of the Soviet land. He was instrumental in destroying the independence of the Soviet farmer. His expert knowledge in enslaving other peoples was first tested with regard to the Ukrainian nation; and only recently, implementing his decision, heavy Russian armor, in combination with deceit and treachery, crushed the national aspirations of the Hungarian people. "Pitiless and unabashed by any shameful act," the secret police is again at work there.

Khrushchev is a sworn enemy of the democratic form of government and the American way of life. He reviles this country as being devoid of political freedom and economic stability and ruled by a handful of greedy capitalists who enslave the working people. He and his fellow Communists are driven by the desire to outdistance the United States, the most advanced and powerful capitalist country. His fanatical belief in the superiority of the Communist system leaves no doubt in his mind that, whether there be peace or war, the ultimate communization of the world is certain to arrive. Only recently, television viewers in the United States had an opportunity to witness his prediction that their "grandchildren will live under socialism" (i.e., communism).

To attain this objective, Khrushchev displays versatility and flexibility in selecting the device which he considers most effective and promising at the moment: Nuclear blackmail, subversion, propaganda, interference in the domestic affairs of other states, driving a wedge between peoples and their governments, exploitation of anticolonial and nationalist feelings in Asia and Africa, and direct revolutionary action. All these expedients serve the single-minded goal of Soviet aggrandizement and of accelerating the march of communism.

"If anyone believes" he observed bluntly at a reception for East German Communist leaders in September 1955—

"That our smiles involve the abandonment of the teachings of Marx, Engels, and Lenin, he deceives himself badly. Those who wait for that must wait until a shrimp learns to whistle."

It appears that Khrushchev on this occasion, as on others, acted in line with the old Russian proverb that "what is on a sober man's mind is on a drunken man's tongue."

INDIVIDUAL INCOME TAX RETURNS ARE OPEN TO INSPECTION BY WIDE VARIETY OF PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BELL) is recognized for 15 minutes.

Mr. BELL. Mr. Speaker, I recently was surprised to read in the Federal Register that the House Internal Security Committee had been granted by Executive order the right to inspect an unlimited number of individual income tax returns. Combining this power with legislative privilege in the right to publish the contents of an investigation, it follows that such a committee would be able to publish the contents of any personal income tax return for any individual whom the committee decides to investigate.

Upon further investigation I learned that this Executive order was not unusual—that the right of Government officials to inspect individual income tax returns is granted to a whole range of congressional committees, Government agencies, and State and local officials.

In the past 10 years, for instance, Federal agencies have used these personal income tax returns 4,177 times. In the 91st Congress, 169 individuals had their income tax returns opened for inspection by congressional committees with presumably, the right to publish what they saw.

There may be instances where inspection of the returns by Government officials is very helpful to the agency or committee undertaking the investigation. But I do feel that it is time for us to rethink and discuss publicly the entire issue of using personal income tax returns for clearly nonrevenue purposes.

The current law states that income tax returns are "public records" but that "they shall be open to inspection only upon order of the President and under rules and regulations prescribed by the Secretary or his delegate and approved by the President." As the materials below indicate, the orders, rules, and regulations have permitted widespread disclosures of returns to a myriad of officials at all levels of Government.

For a long time I have publicly supported recommendations to make the financial affairs of U.S. Congressmen and Senators open to public inspection. The fiduciary duty which is imposed upon such officials enhances the desirability of such disclosures.

But I think we should seriously question the wisdom of a policy which permits Government officials to make widespread use of the personal returns of ordinary citizens. Such a policy converts the income tax return from a necessary evil, directed toward revenue purposes, to an instrument for governmental peeping toms.

In this era when technology has given Government snooping such a vast potential for violating the individual right of privacy, we should seriously question whether our taxation system should be yet another instrument for the invasion.

Mr. Speaker, I ask unanimous consent to place in the RECORD the reply I received from the Internal Revenue Service concerning their disclosure practices, as well as newspaper articles on the subject.

The materials follow:

INTERNAL REVENUE SERVICE,
Washington, D.C., August 25, 1971.

Hon. ALPHONZO BELL,
House of Representatives,
Washington, D.C.

DEAR MR. BELL: In your letter of August 10, 1971, you requested data concerning the use of Executive Orders issued under the authority of section 55(a) of the Internal

Revenue Code of 1939 and section 6103(a) of the Internal Revenue Code of 1954.

We are happy to comply with your request, and in order to clarify our response we have answered your letter with four exhibits, as follows:

Exhibit "A"—Committees of Congress authorized to inspect income tax returns and the number of requests received from the 86th Congress to date.

Exhibit "B"—The annual frequency of use by Federal agencies.

Exhibit "C"—Inspection of income tax returns by the House Internal Security Committee during the past three years.

Exhibit "D"—Use of income tax returns by the White House and its Staff employees.

If we can be of further assistance, please let us know.

Sincerely,

D. W. BACON,
Assistant Commissioner (Compliance).

INSPECTION OF RETURNS BY CONGRESSIONAL COMMITTEES

EXHIBIT A

	Executive Order	Number of requests	Number of taxpayers
86TH CONG.			
U.S. Senate:			
Select Committee on Improper Activities in Labor-Management Relations	10801	37	221
Committee on Government Operations	10806	5	42
Committee on the Judiciary (Internal Security Act of 1950)	10808	1	3
Committee on Agriculture and Forestry	10846	1	13
Committee on the Judiciary (Antitrust and Anti-monopoly Laws—Professional Boxing).	10855 and 10876	1	125
House of Representatives:			
Committee on Un-American Activities	10815	1	13
Committee on Government Operations	10818	1	5
Committee on Public Works	10871	2	28
Total		49	450
87TH CONG.			
U.S. Senate:			
Committee on Government Operations	10916	29	226
Committee on the Judiciary	10981	1	4
Committee on Armed Services	11020	1	7
Committee on Foreign Relations	11065	1	12
House of Representatives:			
Committee on Un-American Activities	10935	0	0
Committee on Public Works	10947	2	142
Committee on Government Operations	10966	5	35
Select Committee on Small Business	11055	0	0
Total		39	426
88TH CONG.			
U.S. Senate:			
Committee on Foreign Relations	11080	3	15
Committee on Government Operations	11082	3	49
Committee on Rules and Administration	11133	2	7
Committee on the Judiciary	11153	1	12
House of Representatives:			
Committee on Government Operations	11083	1	89
Committee on Public Works	11099	0	0
Committee on Un-American Activities	11109	1	6
Total		11	178
89TH CONG.			
U.S. Senate:			
Committee on Rules and Administration	11192	3	9
Committee on Government Operations	11194	9	118
House of Representatives:			
Committee on Government Operations	11201	1	5
Committee on Public Works	11204	0	0
Committee on Un-American Activities	11217	3	131
Committee on Banking and Currency	11235	0	0
Total		16	263
90TH CONG.			
U.S. Senate:			
Committee on Government Operations	11337	8	49
Select Committee on Standards and Conduct	11383	1	5
House of Representatives:			
Committee on Government Operations	11332	1	29
Committee on Un-American Activities	11358	2	14
Committee on Public Works	11370	0	0
Total		12	97
91ST CONG.			
U.S. Senate:			
Committee on Government Operations	11454	12	112
Committee on the Judiciary	11505	0	0
House of Representatives:			
Committee on Government Operations	11457	0	0
Committee on Public Works	11461	0	0
Committee on Internal Security	11465	2	43
Select Committee on Crime	11483	1	8
Committee on the Judiciary	11535	2	6
Total		17	169
92D CONG.[1]			
U.S. Senate: Committee on Government Operations	11584	6	95
House of Representatives: Committee on Internal Security	11611	0	0
Total		6	95

[1] 92d Cong. figures are through Aug. 19 1971.

EXHIBIT B

Income tax returns requested by Federal agencies

Fiscal year:	*Number of requests*
1962	536
1963	608
1964	513
1965	324
1966	369
1967	392
1968	392
1969	317
1970	357
1971	369

INSPECTION OF INCOME TAX RETURNS BY HOUSE COMMITTEE ON INTERNAL SECURITY

1968—No requests were received.
1969—One request involving 8 taxpayers.
1970—One request involving 35 taxpayers.
1971—No requests received to date.

REQUESTS FOR COPIES OF INCOME TAX RETURNS BY THE WHITE HOUSE OR ITS STAFF EMPLOYEES

Eisenhower administration—1953–60: We have no record of any requests.

Kennedy administration—1961–63: Our records show that a Presidential Assistant made requests to inspect income tax returns, but we are unable to determine the dates or number of taxpayers involved.

Johnson administration—1963–68: We have no record of any requests.

Nixon administration—1969–71: Our records show that from December 1969 through April 1970 we received seven written requests involving nine taxpayers from a Presidential Assistant. We have no record of any requests since that time.

[From the Washington Evening Star, Apr. 12, 1970]

TAX RETURNS—AN OPEN BOOK

(By Robert S. Boyd)

White House aide Clark Mollenhoff isn't the only one examining federal tax returns. The right to inspect such material is granted to numerous government officials in Washington—and it extends right down to city halls and county court houses throughout the country.

Among those with the authority to request confidential returns on a "need to know" basis are:

Any official of the Treasury Department, if his "official duties" require such inspection.

Any "officer or employe" of any other federal department or agency, if the request is "in connection with some matter officially before him" and is submitted in writing by the head of the department to the Internal Revenue Service.

The Federal Bureau of Investigation, upon written request submitted by the attorney general, deputy attorney general or any of the eight assistant attorneys general.

Any of the more than 90 U.S. Attorneys across the nation, "where necessary in the performance of his official duty," by simply writing to the IRS commissioner.

Three congressional committees with automatic, statutory authority—the Senate Finance Committee, House Ways and Means Committee and Joint Committee on Internal Revenue Taxation.

Six other congressional committees, authorized under executive order—the Senate Judiciary and Government Operations, Public Works, Internal Security and Select Crime Committees.

In fiscal 1969, there were requests to examine 346 individual income tax returns from such executive branch agencies as the Federal Trade Commission, Commerce Department, Renegotiation Board and Advisory Commission on Inter-Governmental Relations. All were granted.

On the local level, the federal government automatically provides selected information from tax returns to 45 state governments. In 26 states, the material is supplied on computer tape for cross-checking with state and local tax returns.

Furthermore, on the request of the governor of any state, any state or local tax official may inspect federal tax returns at the nearest IRS office.

The law requires the IRS to make the returns available to "any official, body or commission lawfully charged with the administration of any state tax law."

The same privilege can be extended, by the governor, to the tax authorities of any coun-

ty, city, town or other political subdivision of his state.

The federal returns are supposed to be used only to prevent cheating on state and local tax returns. They are not supposed to go to local investigative agencies.

But federal officials admit they have little control over the use made of the information given state and local authorities. It can—and has been—abused.

[From the Wall Street Journal, May 6, 1970]

INCOME TAX SNOOPING THROUGH HISTORY

(By Richard F. Janssen)

WASHINGTON.—There's an ominously Orwellian undertone to the capital's continuing flap over whether the White House is taking too many liberties with income tax returns. The disclosure that Presidential aide Clark Mollenhoff can tap the supposedly sacrosanct files at will, shudders a former LBJ aide, is a chilling reminder that "we're only 14 years from 1984."

It might also be said, however, that we're only 109 years from 1861.

That was the year of the first income tax, to pay for the Civil War. The 37th Congress having omitted any mention of privacy in the tax law, the first Internal Revenue Commissioner, George Boutwell, made his own policy: Not only would the returns be open to the public, but those curious about their neighbors' fiscal affairs wouldn't even have to leave the house.

According to research by Mitchell Rogovin, a Washington lawyer and former IRS Chief Counsel, Mr. Boutwell "instructed the assessors to publish lists in local newspapers throughout the country containing taxpayers' names, addresses, amounts of taxable income and taxes paid."

SOME EMINENT SUPPORT

Such aggressive disclosure enjoyed, at least briefly, eminent support. Editor Horace ("Go West, young man") Greeley espoused the publicity as "likely to prove beneficial to the revenue as well as to the consciences of some of our best citizens." The open book approach, he argued, "has gone far toward equalizing the payments of income tax by the rogues with that of honest men."

The war-spawned tax became unpopular in peacetime, though. In 1870, Internal Revenue—perhaps in hopes of lowering voices—reversed itself and no longer put the information in the newspapers, and two years later Congress let the tax expire. When it cranked up another in 1894, it added criminal penalties to deter loose-lipped revenue agents. The next year the Supreme Court ruled the income tax unconstitutional, and the cause of confidentiality received its ultimate victory, the burning of all tax returns.

But the idea of having an income tax was to be revived of course, and the idea that community pressure would help compliance never quite died either. It was at the Union League Club in Chicago in 1898, Mr. Rogovin recounts, that this philosophic case for free access to tax returns was presented by former President Benjamin Harrison:

"We have treated the matter of a man's tax return as a personal matter. We have put his transactions with the State on much the same level with his transactions with his banker, but that is not the true basis. Each citizen has a personal interest, a pecuniary interest, in the tax return of his neighbor. We are members of a great partnership, and it is the right of each to know what every other member is contributing to the partnership and what he is taking from it."

So it was with this mixed legacy of privacy and publicity that the "modern" income tax law crept in (at 1% of income over $3,000) through Constitutional amendment in 1913. Again, Congress didn't directly say who could see the returns, but the Treasury had a flat rule: "Returns of individuals shall not be subject to inspection by anyone and under no conditions made public."

This piqued such Progressives as the La Follettes, who kept trying to amend revenue acts along Harrisonian disclosure lines. In 1924, their campaign paid off, and Congress by law required Internal Revenue to make available for public inspection the identity and amount of tax paid by individual income taxpayers. Within 24 hours after it was announced that tax lists were ready for inspection, Mr. Rogovin reports, Internal Revenue offices throughout the country "were besieged by applications from promoters, salesmen and advertisers."

The direct mailers' delight was dashed by Congress in 1926, however, and the lawmakers kept the lid tightly clamped on tax returns until 1934. That's when the disclosure forces pushed through the "pink slip" provision, a compromise requiring each taxpayer to enter the highlights of his return on an extra sheet which anyone could examine.

The resulting furor must have been far more flamboyant than today's Mollenhoff affair. A group calling itself the "Sentinels of the Republic" mobilized to push for repeal before anyone would actually have to submit the tell-tale pink slip. Its race with the March 15, 1935, filing deadline stirred wide press and popular support, for this time the question of access to tax returns loomed as a matter of life and death: "The 1932 Lindbergh kidnap gripped the public consciousness, and debating Congressmen conjured up the image, Mr. Rogovin writes, "of kidnappers diligently sifting pink slips to identify worthwhile victims and the appropriate amount of ransom to request."

The tinge of terror was enough to bury the pink-slip scheme before it could be implemented. Congress instead simply decreed that state and local officials could peruse Federal returns; beyond that, authority for inspection would be up to the President. Since the emotional upheaval of 1934, according to Washington authorities, Federal law hasn't had anything new to say about the sanctity of tax returns.

WHAT THE LAW SAYS

In light of the historic ambivalence, perhaps what the law does say—as expressed in the current revenue code—doesn't seem so strange: "Sec. 6103(A)(2).—All returns . . . shall constitute public records and shall be open to public examination and inspection to such extent as shall be authorized in rules and regulations promulgated by the President."

The pursuant rules, of course, preclude the merely curious, and pretty well limit access to governmental investigators. Yet, considering the potential for politically motivated peeping (and no instances of that are being alleged), the Congressmen who would like the law tightened to make it tougher even for the President's emissaries probably are right; they might make the onrush of 1984 just a little slower.

But they might have just a twinge of regret that, in so doing, they're pulling us farther away from that simpler time when the country didn't need armies of revenue agents and platoons of computer sleuths to collect the taxes. All it needed was a healthy faith in the inherent nosiness of neighbors.

PROCEDURE AND ADMINISTRATION

§ 6102. COMPUTATIONS ON RETURNS OR OTHER DOCUMENTS

(a) Amounts shown in internal revenue forms.—The Secretary or his delegate is authorized to provide with respect to any amount required to be shown on a form prescribed for any internal revenue return, statement, or other document, that if such amount of such item is other than a whole-dollar amount, either—

(1) the fractional part of a dollar shall be disregarded; or

(2) the fractional part of a dollar shall be disregarded unless it amounts to one-half dollar or more, in which case the amount (determined without regard to the fractional part of a dollar) shall be increased by $1.

(b) Election not to use whole dollar amounts.—Any person making a return, statement, or other document shall be allowed, under regulations prescribed by the Secretary or his delegate, to make such return, statement, or other document without regard to subsection (a).

(c) Inapplicability to computation of amount.—The provisions of subsections (a) and (b) shall not be applicable to items which must be taken into account in making the computations necessary to determine the amount required to be shown on a form, but shall be applicable only to such final amount. Aug. 16, 1954, c. 736, 68A Stat. 753.

Historical Note

1939 Internal Revenue Code. No similar provisions were contained in the 1939 Internal Revenue Code.

Legislative History. For a comprehensive analysis of this section as contained in House Report No. 1337 Senate Report No. 1622, and Conference Report No. 2543, which accompanied the Internal Revenue Code of 1954, see pp. 4549, 5218 of the 1954 U.S. Code Cong. and Adm. News.

Library References

Internal Revenue—1203.
C.J.S. Internal Revenue § 555.

§ 6103. PUBLICITY OF RETURNS AND DISCLOSURES OF INFORMATION AS TO PERSONS FILING INCOME TAX RETURNS

(a) Public record and inspection.—

(1) Returns made with respect to taxes imposed by chapters 1, 2, 3, and 6 upon which the tax has been determined by the Secretary or his delegate shall constitute public records; but, except as hereinafter provided in this section, they shall be open to inspection only upon order of the President and under rules and regulations prescribed by the Secretary or his delegate and approved by the President.

(2) All returns made with respect to the taxes imposed by chapters 1, 2, 3, 5, 6, 11, 12, and 32, subchapters B and C of chapter 33, subchapter B of chapter 37, and chapter 41, shall constitute public records and shall be open to public examination and inspection to such extent as shall be authorized in rules and regulations promulgated by the President.

(3) Whenever a return is open to the inspection of any person, a certified copy thereof shall, upon request, be furnished to such person under rules and regulations prescribed by the Secretary or his delegate. The Secretary or his delegate may prescribe a reasonable fee for furnishing such copy.

(b) Inspection by States.—

(1) State officers.—The proper officers of any State may, upon the request of the governor thereof, have access to the returns of any corporation, or to an abstract thereof showing the name and income of any corporation, at such times and in such manner as the Secretary or his delegate may prescribe.

(2) State bodies or commissions.—All income returns filed with respect to the taxes imposed by chapters 1, 2, 3, and 6 (or copies thereof, if so prescribed by regulations made under this subsection), shall be open to inspection by any official, body, or commission, lawfully charged with the administration of any State tax law, if the inspection is for the purpose of such administration or for the purpose of obtaining information to be furnished to local taxing authorities as provided in this paragraph. The inspection shall be permitted only upon written request of the governor of such State, designating the representative of such official, body, or commission to make the inspection on behalf of such official, body, or commission. The inspection shall be made in such manner, and at such times and places, as shall be prescribed by regulations made by the Secretary or his delegate. Any information thus secured

by any official, body, or commission of any State may be used only for the administration of the tax laws of such State, except that upon written request of the governor of such State any such information may be furnished to any official, body, or commission of any political subdivision of such State, lawfully charged with the administration of the tax laws of such political subdivision, but may be furnished only for the purpose of, and may be used only for, the administration of such tax laws.

(c) Inspection by shareholders.—All bona fide shareholders of record owning 1 percent or more of the outstanding stock of any corporation shall, upon making request of the Secretary or his delegate, be allowed to examine the annual income returns of such corporation and of its subsidiaries.

(d) Inspection by Committees of Congress.—

(1) Committees on Ways and Means and Finance.—

(A) The Secretary and any officer or employee of the Treasury Department, upon request from the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, or a select committee of the Senate or House specially authorized to investigate returns by a resolution of the Senate or House, or a joint committee so authorized by concurrent resolution, shall furnish such committee sitting in executive session with any data of any character contained in or shown by any return.

(B) Any such committee shall have the right, acting directly as a committee, or by or through such examiners or agents as it may designate or appoint, to inspect any or all of the returns at such times and in such manner as it may determine.

(C) Any relevant or useful information thus obtained may be submitted by the committee obtaining it to the Senate or the House, or to both the Senate and the House, as the case may be.

(2) Joint Committee on Internal Revenue Taxation.—The Joint Committee on Internal Revenue Taxation shall have the same right to obtain data and to inspect returns as the Committee on Ways and Means or the Committee on Finance, and to submit any relevant or useful information thus obtained to the Senate, the House of Representatives, the Committee on Ways and Means, or the Committee on Finance. The Committee on Ways and Means or the Committee on Finance may submit such information to the House or to the Senate, or to both the House and the Senate, as the case may be.

(e) Declarations of estimated tax.—For purposes of this section, a declaration of estimated tax shall be held and considered a return under this chapter.

(f) Disclosure of information as to persons filing income tax returns. The Secretary or his delegate shall, upon inquiry as to whether any person has filed an income tax return in a designed internal revenue district for a particular taxable year, furnish to the inquirer, in such manner as the Secretary or his delegate may determine, information showing that such person has, or has not, filed an income tax return in such district for such taxable year. Aug. 16, 1954, c. 736, 68A Stat. 753; Sept. 2, 1964, Pub.L. 88–563, § 3(c), 78 Stat. 844; June 21, 1965, Pub. L. 89–44, Title VI, § 601(a), 79 Stat. 153; Nov. 2, 1966, Pub.L. 89–713, § 4(a), 80 Stat. 1109.

MEDICAL CARE SYSTEM CHALLENGED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Bow) is recognized for 5 minutes.

Mr. BOW. Mr. Speaker, Dr. Jack Schreiber is a distinguished physician in my congressional district. He feels deeply the responsibility of the medical profession in its contribution to the welfare of the Nation. He has written a series of three articles for the Ohio State Medical Journal. I think these articles would be interesting to my colleagues, particularly in view of the fact that we are now giving consideration to many health programs. I, therefore, include with these remarks one of the articles written by Dr. Schreiber:

THE FALLACY OF USING SELECTED STATISTICS TO MEASURE THE EFFECTIVENESS OF MEDICAL CARE

(By Jack Schreiber, M.D.)

The present medical care system in the United States is being challenged by numerous individuals and groups who often use misleading statistics to make their case.

Who are those that have been working so diligently to control medical care in this country? For the past 20 years or so, COPE of the AFL–CIO has been turning out pamphlets, news releases and misleading facts and figures. During this same period, and especially during the years since Medicare, entrenched Civil Service employees of government in the Department of Health, Education and Welfare, and in numerous positions in the legislative branch, such as the staff of Congressional Committees, have been lobbying against private practice and for a system of federal medicine.

The third source of the propaganda has come from the universities. Most of the so-called research into health care has been done by university professors and their assistants who develop their premise first, plan projects next, and write their conclusions last. The combined efforts of much of this faulty research and the propaganda of the proponents of Socialized Medicine is to convince the American people that medical care in the United States is (1) inferior, (2) much too expensive, and (3) not available to everybody who needs it.

Let's take a close look at these allegations. Almost daily we hear that medical care in this country is second rate. The CBS Television special "Don't Get Sick in America" implied that the quality of medical care, in this country may be the worst in the western world. Invariably, infant mortality figures are quoted showing United States ranking 13th in the world behind "progressive" countries such as Sweden, England, The Netherlands, West Germany, France, Finland, etc. The source of this information is the *United Nations Demographic Yearbook*. What is the truth behind the infant mortality argument in trying to prove that the quality of medical care in this country is inferior?

MORTALITY STANDARDS DIFFER

I. Those who quote the infant mortality figures from the *United Nations Demographic Yearbook* are either dishonest, or haven't done their homework. The introductory chapter of the section on infant mortality states clearly that infant mortality statistics of different countries should not be used for comparison. The *Yearbook* points out that there are different standards of measurement. In the United States, for example, a baby is listed as a live birth if there is any sign of life, such as a heart beat in the umbilical cord. Some countries do not record a live birth unless the child takes a breath. Other countries do not list a live birth until the birth has been registered, and this can occur some days or even weeks after birth.

In the United States, the responsibility of reporting births and deaths is clearly assigned to the physician. In many countries of the world, especially in Europe, this responsibility is that of the parents or of the clergy. With no uniform method of measurement or reporting, comparing infant mortality figures is like comparing apples to potatoes.

II. Even if there were uniform methods of measurement of these figures, infant mortality statistics are not a good index of the health care delivery system. Infant mortality is a social, rather than a medical problem. Such factors as poor housing, poverty, malnutrition, ignorance, and racial ethnic differences are surely much more highly corelated with infant mortality than such factors as the number of physicians and hospitals, or how medicine is practiced.

III. There are better yardsticks for measuring the status of health in a given nation, other than infant mortality.

In the United States, in 1969, 70 percent of all deaths were related to heart disease, strokes, and cancer. Only 2.2 percent of all deaths were classified as infant mortality.

WHERE THE U.S. RANKS HIGH

How does the United States rank with other countries in regard to diseases which can be more easily and more meaningfully measured? Studying those countries that supposedly have a better standing of infant mortality figures according to the *United Nations Yearbook*, the United States, for example, has a much better ranking in the mortality of tuberculosis, still the world's leading killer among infectious diseases. We rank higher than any nation except Denmark, the Netherlands, and Australia. In deaths from pneumonia, we have better results than half the countries that supposedly outrank us in infant mortality. Our death rates from pneumonia in 1967 were 28 per 1000 as compared to 51 per 1000 in Sweden and 66 per 1000 in England. In mortality from bronchitis the death per 100,000 in 1967 the United States had the lowest mortality in the world. In the treatment of ulcers of the stomach, our mortality figures were almost half that of the Socialist countries of the western world. In the number of deaths per 100,000 for all malignant tumors in 1967 United States ranked higher than Finland, France, West Germany, The Netherlands, Sweden and England. Only Japan and Australia have consistently had better results in the cancer mortality figures over the years.

GOOD HEALTH—THE REAL STANDARD

IV. All of these figures, so far, have dealt with mortality. Let's take a brief look at how the United States compares with other nations in terms of good health. The Department of HEW recently released figures showing American children, ages 6 through 11, are taller and heavier on the average, than any other national population in the world. American children, according to this report, have increased height ½" each decade for the past 90 years and increased weight 15 percent to 30 percent. An average 8 year old boy, today, is almost 4.5" taller and 8 pounds to 19 pounds heavier than his counterpart of 90 years ago. Adults correspondingly are taller and heavier than they were 90 years ago.

If health care here is the worst in the western world, as vociferous critics in and out of the medical profession claim, then why are Americans fast becoming the largest people on earth?

V. Infant mortality is not a good measure of the health status of a population or the performance of the health delivery system in the country. If it is to be used at all, it should be used for the discussion of a nation's social problems. Even, in that context, however, it should not be used alone; it should be used in conjunction with other sources of indicators.

If one is interested in infant mortality as a social problem which can be improved upon, international comparisons are not particularly useful. The relevant information is whether the United States infant mortality record is improving or deteriorating. Obviously, the United States experience in in-

fant mortality has been improving. In 1940, in the United States, the infant mortality rate was 47 per 1000 live births; in 1950 this dropped to 29.2; in 1960 to 26 and in 1969 to 20.7. In less than 30 years, the rate has been cut in half! This is good, but it could be better. However, the physicians and other health professionals in the United States should neither be exclusively blamed for the fact that it is not better, nor accept exclusive responsibility for the significant improvement that has occurred since 1940.

In conclusion then, infant mortality figures have been misused and misinterpreted for some years. It is time to dispel the idea that it is a valid indicator of the health status of the United States population—it is not. United States figures are often compared to Sweden, who has the lowest infant mortality rate in the world. The implications, comparing the two countries, although it is not usually stated, is meant to imply that the United States should adopt the Swedish health system and/or social system. This is an absurd line of reasoning to follow because (1) United States has over 200 million people and Sweden has about 8 million; (2) United States covers over 3.6 million square miles, Sweden covers 170,000 square miles, or slightly more than the state of California; (3) United States has an extremely heterogeneous population, Sweden has a relatively homogeneous population. Both United States and Sweden are at approximately the same point, as far as medical knowledge and technology are concerned.

Given the above points which country would one expect to have the lower infant mortality rate? The fact is that the United States has a much larger and complex problem to deal with. By this reasoning, New York City should adopt the same type of public transportation system as Billings, Montana, because traffic congestion in Billings, is much less than in New York City.

BAN ON OIL EXPORT LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 45 minutes.

Mr. ASPIN. Mr. Speaker, yesterday I testified before the Merchant Marine and Fisheries Committee on two pieces of legislation I introduced in the House yesterday which would have the effect of, first, making our oil import quota system more rational and, second, increasing the amount of oil shipped on American-owned tankers.

The first bill, H.R. 11086, which was cosponsored by 19 Members of the House, would ban the export of oil from the United States—without prior congressional approval—as long as the oil import quota system is in effect.

A list of the cosponsors of H.R. 11086 follows:

LIST OF COSPONSORS

Representative Herman Badillo, Democrat of New York.

Representative Jonathan Bingham, Democrat of New York.

Representative Shirley Chisholm, Democrat of New York.

Representative Silvio Conte, Republican of Massachusetts.

Representative John Dent, Democrat of Pennsylvania.

Representative Sam Gibbons, Democrat of Florida.

Representative Seymour Halpern, Republican of New York.

Representative James Hanley, Democrat of New York.

Representative Ken Hechler, Democrat of West Virginia.

Representative Margaret Heckler, Republican of Massachusetts.

Representative Edward Koch, Democrat of New York.

Representative Norman Lent, Republican of New York.

Representative Spark Matsunaga, Democrat of Hawaii.

Representative Bradford Morse, Republican of Massachusetts.

Representative Fernand St Germain, Democrat of Rhode Island.

Representative Louis Stokes, Democrat of Ohio.

Representative Robert Tiernan, Democrat of Rhode Island.

The second bill, H.R. 11085, would close several possible loopholes in the Jones Act.

A copy of my testimony before the Merchant Marine and Fisheries Committee and a National Journal article by Richard Corrigan on the possibility of Alaskan oil being shipped to Japan follows:

TESTIMONY OF CONGRESSMAN LES ASPIN

Mr. Chairman, I appreciate this opportunity to testify before the Merchant Marine and Fisheries Committee today at these important hearings.

I do not come before the Committee, in any sense, as an expert on the merchant marine industry. But I am interested in a subject which potentially has a very great bearing on the merchant marine and shipping industry—namely the trans-Alaska pipeline.

Although I have been, and will continue, to oppose construction of the trans-Alaska pipeline for both environmental and economic reasons, I am convinced that if the proposed Alaska pipeline is constructed—which appears likely—there are some economic benefits from the pipeline and the North Slope oil which would be very important to the merchant marine and shipping industries.

Two years ago, Alyeska—the Alaska pipeline company—purchased a $100 million pipeline from a Japanese company, without even allowing U.S. Steel and Kaiser Industries to bid for the project because they expected quick approval of the project from the federal government, and only the Japanese company was able to meet Alyeska's timetable. This is strong evidence that the sale of the North Slope oil will serve to benefit other American industries only when it is most profitable for Alyeska, and its member companies. It is clear that the sale of the North Slope oil will result in enormous profits—in the billions of dollars—to the oil companies involved. Strong congressional action is, I believe, necessary to insure that if the trans-Alaska pipeline is built, it economically benefits to the fullest degree possible the country as a whole, as well as the North Slope oil companies.

With your permission, I would like to have printed at the conclusion of my testimony an article which appeared in the July 31 issue of the prestigious magazine, National Journal. The article, by Richard Corrigan, is entitled "Resources Report/Japan may get some Alaskan oil; foreign-flag shipping of exports is likely." This article is the most objective and comprehensive report concerning the ultimate destination of the North Slope oil that I have seen so far.

By the admission of Alyeska's own President, Edward Patton, by 1980 as much as 500,000 barrels of oil a day (25% of the expected two million barrels a day production from the North Slope) will be shipped to non-West Coast ports. Conceivably, all 500,000 barrels could be shipped on foreign tankers.

I would like to quote four different sections of this article which, I believe, demonstrate in a convincing fashion that if the trans-Alaska pipeline is built, the oil companies with interests in the North Slope oil may attempt to "pull an end run" around the Jones Act, in the words of one of the company's presidents. I believe the Committee will find these sections of particular relevance to these hearings.

Phillips, which has a relatively small interest in North Slope reserves, has proposed an "import-for-export" program involving Japan.

Under this proposal, which has been submitted to Administration officials and to the House Interior Committee, North Slope oil could be sent to Japan. In exchange, the exporting company would be allowed to import an equal amount of oil from the Middle East or Venezuela to the U.S. East Coast under an exception to present limits on oil imports.

John M. Houchin, president of Phillips, said in a lengthy statement to the House Committee in the spring of 1970 that one advantage of this arrangement would be great savings in transportation costs, because U.S.-flag vessels would not have to be used.

"It's just a question of trying to save investments," said one industry executive familiar with the proposal. The plan would allow oil to be brought to the East Coast market without the necessity of building more pipelines or using U.S.-flag tankers, he said.

"One of the rationales behind this thing, quite frankly, was that we could use foreign-flag ships," he said. This would permit industry to "pull an end run" on the Jones Act, he said. (p. 1597).

The import-for-export proposal was mentioned by Washington economists Charles J. Cicchetti and John V. Krutilla in a critique of the trans-Alaska plan they gave to the Interior Department in March.

The Cicchetti-Krutilla report said: "The most attractive alternative for the oil producers would be the use of North Slope oil for export at world market prices to Japan, while importing a similar amount from Venezuela, selling same at the support price in the United States.

"Since the beneficiaries of the low-cost North Slope oil would be Japenese consumers, while the environmental costs would be borne by the United States, there is an issue of equity and propriety associated with this proposal . . ." (p. 1601).

In a June 22 tabulation of projected tanker traffic, Alyeska said 41 tankers would carry oil out of Valdez, Alaska, when the pipeline reaches a rate of two million barrels a day.

Of the 41 tankers, Alyeska said, eight would be in the 250,000-dead-weight-ton supertanker class, and 16 would be in the 120,000-DWT class.

There are no U.S.-flag tankers of either of these sizes in operation now, although the Japanese and some international oil firms such as BP have them.

Alyeska said in the tabulation, which was submitted to the Interior Department among stacks of data, that all of the supertankers and some of the 120,000–DWT vessels would be involved in the "Panama" trade, handling an average cargo of 500,000 barrels a day.

None of the supertankers was destined for U.S. West Coast ports, which are not now able to receive vessels of that size.

The Panama Canal cannot handle tankers larger than 65,000–DWT, which suggests that the companies intend to take one of three alternative actions:

Transport oil by supertanker to the Central American Pacific coast and pipe the oil to the Atlantic coast, where other tankers would pick it up, or send it through the canal in smaller tankers.

Send the oil around Cape Horn and up to East Coast markets.

Send the oil to Japan.

The Jones Act might not apply to any of these three alternatives, despite Commerce

Department claims that the Alaskan oil trade will bring a boom to America's maritime industry. (p. 1600).

Oil companies might be able to avert the Jones Act by taking oil from Alaska to the Virgin Islands for refining before moving it to the East Coast market.

The Virgin Islands has been regarded as outside the scope of the Jones Act; but it remains to be decided whether Alaskan oil would be exempt in this situation.

Amerada Hess Corporation, an oil firm with lease interests on the North Slope, has expanded its Virgin Islands refinery complex to handle 450,000 barrels a day. Leon Hess, chairman of the company, reported to stockholders this spring that the company plans to obtain tankers in expectation of refining oil from the North Slope.

Tankers could dock at the Virgin Islands after picking up oil from a Central American pipeline or after rounding Cape Horn. (p. 1601).

Today, I will be introducing in the House two bills which will have the effect of, first, making our oil policies more consistent and beneficial to the interests of the country as a whole and, second, preventing "an end run" of the Jones Act.

The first bill, which nineteen other members of the House have joined me in cosponsoring, would prohibit the export of domestically produced oil, without prior congressional approval, as long as the import quota system is in effect. The purpose of this legislation is straightforward. The present oil import quota system costs the American consumer from $4–8 billion a year. It is designed to limit imports of oil and, thus, to make oil more expensive, so that domestic producers of oil can make a sufficient profit to encourage them to fully develop our own domestic supplies of oil, so that we are as little reliant on foreign oil as possible, so that we can help insure our national security. Without at this time getting into the merits of such a program, it is obvious that to export oil at the same time we are paying a good deal to keep oil within the United States makes little sense.

It is important to note that if and when the import quota system were to be abolished this legislation, if enacted, would be voided. Under a free market situation, the oil companies would be free to export whatever oil they wished. It is important also to note that if extraordinary circumstances do exist which would justify the exporting of some oil, then the oil companies concerned could come to Congress and present their case. Knowing the oil industry's powers of persuasion, I have no doubt that they could convince Congress to act favorably whenever such a situation did exist. Simply put, this legislation would place the burden of proof on the oil companies concerned to show that the exporting of some oil in specific situations makes sense and is in the national interest, as well as the oil companies' interests.

At present, while 260,000 barrels a day of oil are exported from the U.S., there are no restrictions whatsoever on the exporting of oil. If much or all of these 260,000 b/d were prohibited from being exported, it would, I believe, significantly increase shipments on American-owned tankers.

With your permission, I would like to include a copy of this bill, along with a list of its cosponsors, in the record of the Committee's hearings at the conclusion of my testimony.

The second bill I will introduce today would specifically require that all oil from Alaska be transported in vessels which are documented under the laws of the United States. It should seem, of course, that the first bill, prohibiting the export of oil, would require the use of American-owned tankers under the terms of the Jones Act. Unfortunately, as pointed out in the National Journal article, there would still be a couple possible "end runs" open to the oil companies, such as the Virgin Islands' loophole. Although this second bill would close off such loopholes only in the case of Alaska oil, the Committee might want to consider the possibility of closing off such loopholes in all cases involving oil shipped from one American port to another.

With your permission, I would also like to include a copy of this bill in the record of the Committee's hearings.

While these two bills are separate, and could be acted upon separately, they are strongly interrelated in their effect on the American merchant marine industry. The first, by prohibiting the exporting of domestic oil, would prevent the legitimate use of the Jones Act to ship the oil on foreign tankers. The second, by closing off possible loopholes, would prevent the oil companies from getting around the intent of the Jones Act. The effect of enacting these two bills would be, first, to make our energy policies more rational and, second, to increase the shipment of oil on American-owned tankers.

RESOURCES REPORT/JAPAN MAY GET SOME ALASKAN OIL; FOREIGN-FLAG SHIPPING OF EXPORTS IS LIKELY

(By Richard Corrigan)

A growing Japanese presence in Alaska is adding new dimensions to the controversial trans-Alaska oil pipeline project.

If and when the oil beneath the state's North Slope is pumped to market, it will travel across the state in 48-inch steel pipe made in Japan.

And, once the oil reaches the Gulf of Alaska port of Valdez, some of it is likely to be carried in Japanese tankers—to Japan.

"Japan is a natural market" for Alaskan oil, said Hideo Yoshizaki, commercial counselor at the Japanese Embassy in Washington. "We are so much reliant on the Middle East," he said. "We are very hungry for low-sulfur oil. We are expecting a lot from Alaskan oil. I think the majors (the major oil companies) can sell us a substantial amount."

In the past, advocates of the controversial pipeline project have emphasized the rationale that development of Alaska's oil reserves is necessary now to reduce this nation's dependence on foreign sources of petroleum, particularly in the Middle East and Africa.

A $4-million nationwide advertising campaign of the American Petroleum Institute expresses this theme: "A country that runs on oil can't afford to run short."

The Department of the Interior, in its January environmental impact statement on the pipeline, said there is a "compelling" and "unequivocal" need for speedy delivery of North Slope oil to United States markets.

"The prospect of importing increasing amounts of petroleum from Eastern Hemisphere nations," the report said, "contains important implications for United States foreign affairs and national security." The statement said that the United States could find itself in a "vulnerable diplomatic and economic position" if the North Slope were not exploited.

None of the arguments for the pipeline has mentioned possible exportation of the oil.

Yet, there are strong indications that a sizeable percentage of the oil would be consumed in Japan rather than the United States, and that the opportunity to reach the burgeoning Japanese market was a factor in the oil companies' decision to route the pipeline to the Pacific coast—where tankers could reach it—rather than across Canada to the U.S. Midwest.

Judging from *National Journal* interviews with Washington officials, there has not been much discussion at the policy level of the long-run implications of exporting North Slope oil to Japan.

Japan's interest

The Japanese have expressed interest in Alaskan oil to help meet their country's spiraling demand for energy.

The prospects are excellent for sales of Alaskan oil to Japan, said one specialist in Japanese affairs at the State Department.

"Japan wants all the oil it can get, and I certainly wouldn't rule this out," said Hollis M. Dole, assistant secretary (mineral resources) of the Interior Department, when asked about the prospects of marketing Alaskan oil in Japan.

Dole said, however, that "we're going to need all the oil we can get" by 1985, judging from current projections of U.S. demand.

Administration

The level of oil imports has been a high-priority issue, but the federal government has had little occasion in recent years to consider the question of U.S. oil exports.

Elmer F. Bennett, special assistant to the director of the Office of Emergency Preparedness and adviser to the White House Oil Policy Committee, said: "The policy committee has not had this matter before it. If there were any West Coast surplus, it would be a mighty-short-term proposition. We don't see it as any problem of any consequence whatsoever."

Later in the same interview—after a review of plans already under way regarding a fleet of supertankers capable of carrying North Slope oil to Japan—Bennett said that any sale of U.S. oil to Japan "would be an important policy question which would be resolved at the time it came up."

The transaction, he said, could not be made without "a lot of questioning" from the Administration and Congress.

"This is certainly an issue that will be raised and examined very closely," said Jack O. Horton, deputy under secretary of interior and coordinator of Alaska pipeline studies.

These questions have not been raised before publicly, Horton said, although department officials have considered them in private.

"We're going to have to wait and see what they (the oil companies) come up with" in formal submissions of projected foreign traffic, Horton said.

A Commerce Department official said that "there are certainly no export controls" governing possible sales of U.S. oil abroad.

"What you're dealing with here is a question of economics," the Commerce official said. The likelihood is that Alaskan oil would not be competitive with Middle East oil, he said, and that would take care of the national-security aspect.

If shipping a small amount of oil to Japan helps U.S. oil firms develop capital to seek still more oil, he said he could see nothing wrong in that.

He also said that traditionally there are "absolutely no restrictions on any foreign investment in the United States" that would apply to Japanese investments in Alaskan resources.

A White House staff assistant said the Administration is aware of the possibility that Alaskan oil might go to the Far East.

"There is no formulated policy, positive or negative, that I know of," he said.

One proposal for selling oil to Japan would involve shipping North Slope oil to the Japanese and permitting an equal amount of oil to be imported from other parts of the world.

Asked about this arrangement, Edward Mitchell, staff assistant on energy policy for the Council of Economic Advisers, said: "There is some logic to that."

But, he said, the proposal does raise some serious questions of national security.

"I don't see that it's gotten much response," he said, "but I think it's interesting."

EXPORT POTENTIAL

Edward L. Patton, president of Alyeska Pipeline Service Co., the consortium seeking permission to build the trans-Alaska pipeline, discussed the prospects for foreign sales during a July 20 interview with *National Journal*.

Targets for 1980

Patton said that, according to confidential estimates recently submitted to the Interior Department by the companies participating in Alyeska, 25 per cent of North Slope oil is targeted for sale beyond the U.S. West Coast by 1980, when North Slope production is expected to reach two million barrels a day.

Patton said the 500,000 barrels a day are lumped under the heading "Panama," a reference to possible movement of the oil by pipeline or tanker through Panama to the East Coast.

The "Panama" total is a catchall listing for oil to be marketed outside the West Coast, Patton explained: it could include direct sales to Japan.

Patton estimated that sales to Japan might amount to 100,000 barrels a day in 1980. By 1985, he said, the West Coast will be able to absorb a full two million barrels a day of North Slope oil, according to present forecasts.

Import levels

A 100,000-barrel-a-day business with Japan would account for only 5 per cent of North Slope production, Patton noted.

And the Interior Department's Office of Oil and Gas has estimated that if North Slope oil is not available to the West Coast, overseas imports to that area alone would rise to 2.3 million barrels a day by 1980.

Compared with statistics on current U.S. oil imports, however, the 100,000-barrel-a-day figure takes on some significance.

No single nation in the Middle East or Africa sold more than 50,000 barrels a day to the United States during 1970, according to compilations by the Interior Department's Oil Import Administration.

Total imports from 12 Middle Eastern and African nations averaged about 300,000 barrels a day. Imports from all nations totaled 3.3 million barrels a day—more than half of it from Venezuela and Canada, and four-fifths of the imports coming from the Western Hemisphere.

Imports represented about 23 per cent of the total U.S. demand of nearly 15 million barrels a day.

(These figures contradict a statement in an Alyeska Pipeline Service Co., brochure: "Why do we need Alaskan oil? . . . We import crude oil from overseas sources—primarily the Middle East. We have the choice of increasing our dependency on other nations or developing our domestic reserves."

Projections

Thus, warnings of U.S. dependence on Middle Eastern and African oil derive from projections of future U.S. production and demand rather than from current import levels.

Patton's estimate of a possible temporary 100,000-barrel-a-day trade with Japan likewise is based on individual oil company projections.

As a common carrier pipeline, Alyeska would have no voice in the ultimate destination of North Slope oil; the amount of oil that might be sold to Japan could be greater than or less than that figure, depending on the marketing policies of the companies.

JAPAN

Japanese interests already have entered the Alaska scene—to such an extent that one federal planning official in Anchorage privately voiced fears that the state could become a "second Manchuria."

Presence

The Japanese presence is widespread. The Japanese own a large timber mill in Sitka, buy salmon eggs from Cordova canners, market Toyotas and Datsuns in the state, and have surveyed Alaska's substantial reserves in coal, iron ore and minerals.

Several major Japanese businesses have established offices in Anchorage, where the Japanese government maintains a consulate and where Japan Air Line jets are a significant part of the traffic at the Anchorage airport.

Energy interests

Asked about Japanese interest in Alaskan oil, Homer L. Burrell, director of the state's oil and gas division, produced a handful of calling cards from Japanese businessmen.

Natural gas—Under a 15-year, $375-million contract with Phillips Petroleum Co. and Marathon Oil Co., Japanese utilities are buying 50 billion cubic feet of natural gas a year from the Cook Inlet region of southern Alaska.

The gas is liquefied in Alaska and transported in two new Swedish-built, Panamanian-registered tankers.

Oil exploration—Japanese oil companies are joining with major oil firms in exploring for new petroleum reserves. They have drilled for oil (unsuccessfully, thus far) on their own, are negotiating for interests in other companies' leases and are awaiting future federal and state lease auctions. (The Interior Department plans to auction offshore leases in the Gulf of Alaska by 1976.)

These ventures are backed by Alaskan Petroleum Development Co. Ltd. of Tokyo, a consortium. North Oil Inc., the Anchorage subsidiary of North Slope Oil Co. Ltd. of Tokyo, operates north of Alaska's Brooks Range; its sister company, Alaskco U.S.A. Ltd., covers the remainder of the state.

Alaskco has teamed with Gulf Oil Corp. to gain rights on several leases; North Oil has been conducting Arctic explorations with three other companies (Cities Service Co., Getty Oil Co. and Skelly Oil Co.) and has been negotiating for North Slope leases, according to Takao Ogino, Anchorage representative of Alaskco.

Pipeline contract

Japanese steel mills furnished the pipe for the Alaska project after the Trans-Alaska Pipeline System (TAPS), predecessor to the Alyeska firm, rejected offers to bid for the project from U.S. Steel Corp. and Kaiser Industries Corp. in early 1969.

At that time, TAPS said it needed the pipe quickly because it expected the project to get speedy approval from the federal government; only the Japanese mills were able to meet the timetable and specifications for the pipe, TAPS said.

In the course of their worldwide trading operations, Japanese firms sometimes provide oil pipeline in exchange for a portion of future oil production, under a "product-sharing" arrangement.

Alyeska's Patton told *National Journal* that the trans-Alaska pipe was purchased under a straight-cash contract for $100 million.

The estimated cost of the construction project, originally placed at $900 million, now is in the $2-billion range.

Petroleum purchases

Japan already buys a limited amount of petroleum products in the United States, such as residual fuel oil and lubricants, from refineries throughout the country.

According to the United States-Japan Trade Council, an association sponsored by the Japanese government. U.S. exports of petroleum products to Japan in 1970 were valued at $87 million.

The Interior Department's Bureau of Mines said that Japan bought one million barrels of residual fuel oil from the United States during the first three months of 1971.

Market

Takao Ogino said in Anchorage that Japan's demand for oil by 1985 is projected at 4.5 billion barrels a year—nearly five times the current consumption.

The Japanese government's Oil Industry Council has projected a two-billion-barrel demand by 1975, double the current figure. Japan now relies on the Middle East for about 90 per cent of its supply.

Strategy

"Until now, we didn't think that there was any possibility of bringing North Slope oil to Japan," said Katsuyuki Matsumura, a Washington representative for Japanese engineering firms who is returning to his country to deal with oil policy in the government's Ministry of Internation Trade and Industry.

The old policy was based on the traditionally high price differential between Middle Eastern and U.S. crude oil.

Two factors have changed that, according to Matsumura: recent price increases by the oil-exporting nations of the Middle East and ever-stiffening air-pollution-control programs in Japan that necessitate the use of low-sulfur oil.

The sulfur content of North Slope oil ranges from .9 per cent to 1.5 per cent by weight, according to one industry study submitted to the American Petroleum Institute. This is considered relatively "sweet" or clean, although some desulfurization treatment might be required to meet U.S. and Japanese pollution standards.

"Japanese companies don't like to pay high prices, but they might have to," Matsumura said.

The prime concern of the Japanese government, said Kazuo Nukazawa, research consultant at the United States-Japan Trade Council, is to diversify its source of supply. "That is the main strategy."

INDUSTRY PLANS

Oil companies operating in Alaska generally say that the West Coast will be the prime market for Alaskan oil and that any surplus production might be sent to the Midwest or to the East Coast via additional pipelines or by tanker.

Otto N. Miller, chairman of the board of Standard Oil Co., of California, said, "Obviously, a sizeable part will go to the West Coast."

But he said that it was "a little bit difficult to speculate at this time" about other markets because of questions involving the timing and rate of North Slope production.

But there have been scattered references to the possibility of sales to Japan in statements that cast doubt on the idea without rejecting it.

British Petroleum

British Petroleum Co. Ltd., of London (BP) through its subsidiaries and associated companies, controls the major share of known reserves on the North Slope's Prudhoe Bay field—some five billion barrels, or about half the estimated discoveries thus far.

BP has no refining or retail sales outlets on the West Coast, which means that the company would have to sell its crude to other companies until it could operate as a fully integrated firm in that region.

On Sept. 30, 1970, Eric Drake, chairman of BP, signed an agreement in Tokyo with a group of Japanese oil firms that included North Slope Oil Co. and Alaskan Petroleum Development Co. The agreement provided for joint exploration projects in the Middle East and the marketing of BP crude oil in Japan.

Speaking of BP's sources of crude oil in connection with future marketing arrangements in Japan, Drake said:

"There was also Alaska where BP has sizable potential production; but here I am afraid there does not appear to be much interest for Japan, since, on the basis of statistics I have seen, this oil will almost certainly be completely absorbed in the fast-growing markets of the U.S.A."

Atlantic Richfield

Atlantic Richfield Co., which, along with Humble Oil and Refining Co., a subsidiary of Standard Oil Co. (New Jersey), controls most of the remaining proved Prudhoe Bay reserves, likewise has mentioned the possibility of selling oil to Japan.

In a presentation to the Alaska Science Conference in August 1969, Rollin Eckis, vice chairman of the board of Atlantic Richfield, said:

"Assuming the continuation of import controls . . ., there is little possibility that Alaska oil would move into foreign markets."

However, he said, Japan is a possibility. Japan would be in a "highly sensitive position" in the event of a crisis in the Middle East, he said, and "it is possible that she would be willing to pay a premium for a secure source for a portion of her needs."

Phillips Petroleum

Phillips, which has a relatively small interest in North Slope reserves, has proposed an "import-for-export" program involving Japan.

Under this proposal, which has been submitted to Administration officials and to the House Interior Committee, North Slope oil could be sent to Japan. In exchange, the exporting company would be allowed to import an equal amount of oil from the Middle East or Venezuela to the U.S. East Coast under an exception to present limits on oil imports.

John M. Houchin, president of Phillips, said in a lengthy statement to the House committee in the spring of 1970 that one advantage of this arrangement would be great savings in transportation costs, because U.S.-flag vessels would not have to be used.

"It's just a question of trying to save investments," said one industry executive familiar with the proposal. The plan would allow oil to be brought to the big East Coast market without the necessity of building more pipelines or using U.S.-flag tankers," he said.

"One of the rationales behind this thing, quite frankly, was that we could use foreign-flag ships," he said. This would permit industry to "pull an end run" on the Jones Act, he said. (p. 159)

(The Jones Act of 1920 (41 Stat 988) requires the use of U.S.-built, U.S.-manned ships in coastwise trade. It would apply to tankers running from Alaska to the West Coast, but not to tankers operating between Alaska and Japan or between other nations and the East Coast.)

This source said the import-for-export idea has attracted little interest from the major companies thus far.

"We've had so much controversy over the trans-Alaska pipeline already," he said, "but this idea would just muddy the water more."

"I'm telling you, everybody's scared to death to even talk about" methods to avert the Jones Act's provisions, he said. "Those sailors are going to be the best-paid sailors the world has ever seen."

Alaskan views

An oil lobbyist in Anchorage, speaking privately of the prospects for oil trade with Japan, said Alaskan oil probably would bring a far higher price in the United States than the Japanese now pay elsewhere.

But, he said, "If the Japanese are willing to pay it, who knows what might happen 10 years from now?"

Thomas E. Kelly Jr., former state commissioner of natural resources and at present an Anchorage oil consultant, said in an interview that Japanese interests could make a profit by selling any oil they might develop in Alaska to U.S. markets, or could exchange their oil for oil from other regions.

Kelly expressed interest in the import-for-export plan: "I was hot as a pistol on it for a while." But he said it does not have much acceptance.

Gregg K. Erickson, an economist and aide to a joint legislative committee on oil policy, also speculated that the Japanese could develop oil in Alaska and sell it in U.S. markets in exchange for surplus Middle Eastern oil controlled by major companies.

U.S. DEMAND

The question of where Alaskan oil will be marketed revolves around various projections of how much oil the United States—particularly the West Coast—is going to need and how much oil Alaska can produce.

Rising estimates

Projections of U.S. oil demand have risen sharply in recent years.

In a 1968 report ("United States Petroleum Through 1980"), the Interior Department predicted that the United States would need 18.2 million barrels a day in 1980.

In February 1970, the Nixon Administration's Cabinet Task Force on Oil Import Control adopted a figure of 18.6 million barrels a day for 1980. (*For a report on the task force recommendations, see Vol. 2, No. 10, p. 494.*)

The task force report included comparable estimates from three other sources: Mobil Oil Corp. (17.7 million barrels), Interior Department staff (18.8 million barrels), and Standard Oil Co. (New Jersey) (19.3 million barrels).

The Interior Department, in a January 1971 statement on the Alaska pipeline, forecast the 1980 demand at 22.3 million barrels a day and the 1985 demand at 27.1 million.

The department's 1980 estimate was 20 per cent higher than the Administration's task force estimate one year earlier.

The National Petroleum Council, an Interior Department advisory board composed of top oil industry executives, on July 15 released its interim forecast of future petroleum needs: 22.5 million barrels a day for 1980, 26 million for 1985.

This report said that the United States would become heavily dependent on Middle Eastern and African oil unless government policies became more conducive to domestic U.S. oil investments.

Council meetings

Transcripts of the National Petroleum Council's private committee meetings provide a glimpse into the preparation of these forecasts.

At a March 29 meeting in Houston of the council's coordinating subcommittee on the U.S. energy outlook, a research consultant from Battelle Memorial Institute said that, in confidential projections from various energy industries, the total energy demand was generally agreed upon, but the forecasts varied widely on future consumption of individual fuels.

"I don't find that either surprising or too disconcerting," said Warren B. Davis, director of economics for Gulf Oil Corp. and chairman of the panel.

Vincent M. Brown, executive director of the council, said during that session, "I would guess right now it's about 50–50 in Washington in government circles" between those who are seriously concerned about the nation's energy needs and those who believe the "energy crisis" is being "whipped up" by the industry.

"All this is evolving so rapidly that the need for an interim report becomes acute, both from I think our point of view and from the Department of the Interior," Brown said.

At another point during the two-day meeting, on March 30, N. G. Dumbros, vice president (industry and public affairs) of Marathon Oil Co. and chairman of the council's government policies subcommittee, said of the Washington climate:

"Christ, they are talking about everything. I mean, you can get—if you just wander around and talk with the policy makers, you can come up with an encyclopedia."

W. T. Slick Jr., assistant manager of Humble Oil's corporate planning department, told the group that "one of the sticky problems to work in this thing is the Alaska problem." He said that, in trying to coordinate various companies' estimates on Alaska's oil reserves, "the people who want to go into the most detail are ones that have the least information."

At a May 26 committee meeting in New York, Harry Gevertz, special projects manager of El Paso Natural Gas Co., said, "It is very difficult, I think, to urge government to change major policy . . . if you don't see a sense of urgency . . . I think if you come out with a report that says, well, you know, we are going to find all we can get and if we can't find it, we can import it—that sounds more like some of my Harvard friends than a report out of the National Petroleum Council."

Slick said at that meeting that his panel was reviewing figures from two different subcommittees, one on demand and the other on supply, "and there was next to no chance at all that you could add them all up and get the same answer."

John M. Kelly, an independent Washington oil entrepreneur, said, "When you have the NPC come out and tell the public that by 1985, under present policies, they are going to have to depend on 55 per cent of their oil supplies by imports and 28 per cent of their gas supply by imports, don't you think this is going to have an impact on the Hill and in the executive branch?"

"I hope it does," said Slick.

Interior Department representatives attended these committee meetings, serving as "government cochairmen" of all council panels.

Morton speech: In a speech to the National Petroleum Council on July 15, Interior Secretary Rogers C. B. Morton said, "Even with the North Slope producing two million barrels a day by 1980, the gap between domestic supply and demand would approach eight million barrels a day, equal to 35 per cent of total supply.

"Our central problem is national security. . . . All the experience of the past 20 years, plus what we can infer from the bargaining actions of the O.P.E.C. (Organization of Petroleum Exporting Countries) nations during the past year and the actions of the Soviet Union in the Middle East and the Mediterranean, lead us to conclude that we had better not become overly dependent on our energy supplies from that part of the world."

To lessen that danger, Morton said, one of the things that Interior Department can do is "expedite the safe movement of North Slope oil and gas to market."

West Coast outlook

In a recent submission to the Interior Department, Alyeska said that when the pipeline reaches a two-million-barrel-a-day capacity, 1.5 million barrels would be delivered to the West Coast and 500,000 to "Panama."

Alyeska said 190,000 barrels a day would be delivered to the Puget Sound (Seattle) area, 540,000 barrels to San Francisco and 770,000 to the Los Angeles area.

(Atlantic Richfield has built a 100,000-barrel-a-day refinery at Bellingham, Wash., to receive Alaskan crude. California had a total refining capacity of 1.8 million barrels a day as of Jan. 1, according to the Oil and Gas Journal, ranking that state second in refining capacity after Texas.)

"By 1985 the West Coast can take all of it," Patton said. "There's no point in hauling this oil any further than you have to. Common sense says you drop it at the first available market."

Interior projections—In Interior Department projections, District V includes the states of Washington, Oregon, California, Arizona, Nevada, Hawaii and Alaska.

District V consumed some two million barrels a day in 1970, according to Interior figures. District V produced about two-thirds of that amount and got the remainder from

Canada, other foreign sources and other parts of the United States.

In a June 2 speech to the Pacific Coast Electric Association at San Diego, Gene P. Morrell, deputy assistant interior secretary (mineral resources), said that District V demand is projected at 3.2 million barrels a day by 1980.

District V demand is expected to grow at a yearly rate of 4.5 per cent, Morrell said, in contrast with the department's nationwide growth figure of 4 per cent. District V production (excluding the North Slope potential) has ben declining at a 10-per cent annual rate.

Other projections—Others have offered different projections.

Herbert S. Winokur Jr., a management consultant who served on the staff of the Cabinet task force, has projected District V demand at 2.7 million barrels a day by 1980.

"Every projection of North Slope production indicates that it will far exceed the petroleum demands of the West Coast," Winokur said in a statement to the Interior Department, in which he cited advantages of an alternative pipeline route across Canada.

"I estimate that in 1980, the North Slope will produce at least 600,000 barrels per day more than the West Coast can absorb, even assuming the West Coast gives up all its non-Canadian imports," Winokur said.

John H. Lichtblau, director of the Petroleum Industry Research Foundation in New York, told *National Journal* there might be "a million barrels left over" once North Slope oil reaches substantial amounts.

"I don't think that they (the West Coast) can absorb a full two million barrels by 1980." The excess North Slope oil would be sent elsewhere, he said.

"They could export some of the oil to Japan," Lichtblau said. But in that case, he said, Japan might pay a far lower price for North Slope oil than the U.S. consumer would pay, since North Slope oil would be competing with low-priced Middle Eastern oil.

An import-for-export plan makes "some sense," he said, but would require "a fairly radical change in our import policy."

Alaskan production

Lichtblau said some companies have estimated that North Slope production might reach three million barrels a day or more.

W. J. Levy Consultants Corp., a major New York oil consulting firm that advises the Alaska legislature on state oil policy, has forecast North Slope production at three million barrels a day by 1980.

In a December 1970 report to the legislature, the Levy firm said, "It is clear that the West Coast will be able to absorb substantial volumes of North Slope crude. However, indications are that when North Slope production builds up to a large volume, by 1975 or thereabouts, substantial movements beyond District V will be required to absorb the prospective production."

And, at a July 15 press conference at the Interior Department, National Petroleum Council officials said North Slope production—which they had listed at two million barrels in their energy report—might well amount to three million or even four million barrels a day.

TANKERS

In a June 22 tabulation of projected tanker traffic, Alyeska said 41 tankers would carry oil out of Valdez, Alaska, when the pipeline reaches a rate of two million barrels a day.

Of the 41 tankers, Alyeska said, eight would be in the 250,000-deadweight-ton supertanker class, and 16 would be in the 120,000-DWT class.

There are no U.S.-flag tankers of either of these sizes in operation now, although the Japanese and some international oil firms such as BP have them.

Alyeska said in the tabulation, which was submitted to the Interior Department among stacks of data, that all of the supertankers and some of the 120,000-DWT vessels would be involved in the "Panama" trade, handling an average cargo of 500,000 barrels a day.

None of the supertankers was destined for U.S. West Coast ports, which are not now able to receive vessels of that size.

The Panama Canal cannot handle tankers larger than 65,000 DWT, which suggests that the companies intend to take one of three alternative actions:

Transport oil by supertanker to the Central American Pacific coast and pipe the oil to the Atlantic coast, where other tankers would pick it up, or send it through the canal in smaller tankers.

Send the oil around Cape Horn and up to East Coast markets.

Send the oil to Japan.

The Jones Act might not apply to any of these three alternatives, despite Commerce Department claims that the Alaskan oil trade will bring a boom to America's maritime industry.

Commerce campaign

Commerce Secretary Maurice H. Stans has been in the forefront of Nixon Administration officials in advocating approval of the trans-Alaska pipeline.

Stans spoke before a Washington convention of the Seafarers International Union of North America (AFL–CIO) on June 21 and said that the Alaska oil discovery would help revive U.S. maritime strength.

Advocating a trans-Alaska instead of a trans-Canada pipeline, Stans told the Seafarers the Canadian line would "eliminate all of the great maritime opportunities" that the Alaska line would provide.

The Seafarers, agreeing with Stans, adopted a resolution endorsing the pipeline and reendorsing the Jones Act.

Andrew E. Gibson, assistant secretary of commerce (maritime affairs), told the Portland, Ore., Propeller Club on May 21:

"We have estimated that with the completion of the Alaska pipeline a fleet of approximately 30 new U.S. tankers would be added to the American merchant marine to transport the oil from southern Alaska to the West Coast.

"The construction of these vessels at an estimated cost of $1 billion would give an added stimulus to our shipbuilding industry and would provide approximately 48,000 man-years of work in U.S. shipyards and allied industries.

"Manning and maintaining these vessels would create many additional permanent maritime jobs, while the estimated annual operating and maintenance cost of $30 million would provide added employment in the related service industries.

"It should be obvious that much, if not most, of this increased maritime activity would be of direct benefit to the Pacific Northwest." (*For a report on the progress in the Administration's program to revive the nation's merchant marine, see No. 30, p. 1565.*)

Construction

In 1969, Atlantic Richfield ordered three 120,000-DWT tankers from Bethlehem Steel Corp. for the Alaska oil trade. The oil firm said these were the largest commercial vessels ever to be built in U.S. shipyards.

A spokesman for the Shipbuilders Council of America said that 17 tankers were under construction or on order in U.S. shipyards as of June 1.

In addition to the three Atlantic Richfield vessels, only three were in the 120,000-DWT range or above, and none was necessarily destined for Alaskan traffic. None was as large as 250,000 DWT, he said.

A spokesman for the Maritime Administration said tanker construction orders probably are being delayed pending approval of the Alaska pipeline.

A spokesman for Alyeska, asked where the supertankers would be coming from, said the oil companies have been holding preliminary talks with U.S. shipbuilders about future supertanker contracts.

Levy Consultants Corp., in a report to the Alaska legislature, estimated that construction costs in foreign shipyards are about one-half those in U.S. yards. "The per-barrel cost of moving oil in a foreign-built and registered vessel is approximately one-third less" than in a U.S. tanker, he said.

Virgin Islands

Oil companies might be able to avert the Jones Act by taking oil from Alaska to the Virgin Islands for refining before moving it to the East Coast market.

The Virgin Islands has been regarded as outside the scope of the Jones Act; but it remains to be decided whether Alaskan oil would be exempt in this situation.

Amerada Hess Corp., an oil firm with lease interests on the North Slope, has expanded its Virgin Islands refinery complex to handle 450,000 barrels a day. Leon Hess, chairman of the company, reported to stockholders this spring that the company plans to obtain tankers in expectation of refining oil from the North Slope.

Tankers could dock at the Virgin Islands after picking up oil from a Central American pipeline or after rounding Cape Horn.

Tankers plying the Valdez-to-Japan route would be outside the Act.

OUTLOOK

A well-established oil consultant, speaking on a not-for-attribution basis, said of the Alaska pipeline system, "I say the goddamned line should go down through Canada anyway."

The spokesmen for environmental causes are "an emotional, dishonest bunch of bastards, in the main," he said, but "they're right in this instance" in opposing the trans-Alaska line.

The key to the situation, he said, is that the companies backing the project need to get a cash return for their North Slope investments as quickly as possible, and the trans-Alaska route offer the speediest opportunity.

"Japan will buy it," he said of the North Slope oil, and the amount will be determined in part by the sulfur content of the oil and perhaps by Japanese willingness to provide tankers.

An authoritative Canadian source offered this general appraisal:

Originally, the oil companies figured on supplying the West Coast with oil from the North Slope, building another pipeline from Puget Sound to the Midwest for transshipment of additional oil and selling any surplus to the Japanese.

The idea of a trans-Canada pipeline from the North Slope directly to the Chicago market has been a less-favored plan that the companies have kept alive for the sake of prudence.

Now, the drawing-board proposal for a trans-United States pipeline is losing its attractiveness, in part because "any major oil pipeline system through scenic territory is going to run into a hell of a lot of trouble."

Without a pipeline into the Midwest, "Japan would be the logical market."

The import-for-export proposal was mentioned by Washington economists Charles J. Cicchetti and John V. Krutilla in a critique of the trans-Alaska plan they gave to the Interior Department in March.

The Cicchetti-Krutilla report said: "The most attractive alternative for the oil producers would be the use of North Slope oil for export at world market prices to Japan,

while importing a similar amount from Venezuela, selling same at the support price in the United States.

"Since the beneficiaries of the low-cost North Slope oil would be Japanese consumers, while the environmental costs would be borne by the United States, there is an issue of equity and propriety associated with this proposal. . . ."

TAKING INDUSTRY'S CASE TO THE PEOPLE

"(Heartbeat) *The United States of America.* (Heartbeat) *Sometimes it doesn't run the way we'd like it to.*

"(*Heartbeat*) *But it keeps on running. That's our job.* (Heartbeat)

"*We're the oil companies of America . . . working to keep this country working.*

"*Because a country that runs on oil . . . "Can't afford to run short."*

This message and variations on the same theme are being delivered to the U.S. public in a $4-million (for 1971) advertising campaign sponsored by the American Petroleum Institute, chief trade association and lobbying arm of the oil industry.

The campaign got under way on April 26 and is scheduled for a long run, according to James C. Shelby, advertising manager of API.

"We are using nighttime network television . . . plus the Today Show on NBC. Also, about 180 newspapers and petroleum trade magazines. The newspaper offer of the 'Energy Gap' booklet has drawn excellent response from over 500 cities in 47 states," Shelby said.

Counterattack: The campaign clearly represents a counterattack by the industry against its critics in government, the news media and the public.

Taking its case to the people, the industry is not adopting a defensive posture of emphasizing its expenditures on pollution-control programs or explaining the intricacies of oil tax laws.

Instead, the industry campaign stresses this theme: "75 per cent of the power and energy this country needs comes from oil and natural gas."

The campaign literature includes statements stressing the need for development of Alaskan oil to lessen U.S. dependence on foreign suppliers.

API President Frank N. Ikard, a former Member of the House (D-Tex., 1951–61), said in a statement announcing the campaign:

"Energy, in ample supply and reasonably priced, is essential to the public's comfort, economic progress, industrial expansion and national security. We believe this program will contribute to a greater understanding of the complexities involved in maintaining an uninterrupted flow of energy for the consumers of this nation."

Origin of campaign

Shelby said that a private survey of the U.S. public taken in 1970 for the oil industry led to the advertising campaign.

Without going into detail, Shelby indicated that the poll showed the general public had little understanding of the industry or sympathy for it.

"I guess when you take a survey you find out what people think about you," he said. The survey showed the need for an "educational" campaign.

TV spots

The television advertisements, which are scheduled for prime-time evening shows and weekend sports programs and news-interview broadcasts, were produced by Leo Burnett Co. Inc. of Chicago.

Shelby said he particularly likes the "heartbeat" commercial.

This advertisement was taped in Grinnell, Iowa (pop. 8,402), a farmland community 55 miles northeast of Des Moines.

The ad shows some of the uses of oil and gas: a housewife making a cup of coffee, a doctor with a hypodermic needle ("Doc Evans may never stop to think that some of his medicines begin with oil"), a grandmother at her sewing machine and lights glowing in comfortable frame houses along quiet, tree-lined streets.

Shelby was asked why no automobiles appear in this ad, since nearly half the petroleum consumed in this nation is used for gasoline.

"I think people are pretty used to the fact" that petroleum is used to power cars, he said. This spot was designed to show people in their homes rather than outside, he said, although consideration had been given to featuring a farmer riding his tractor.

(On June 30, in a unanimous opinion, the Federal Communications Commission ruled that an ad on NBC–TV, in which Standard Oil Co. (New Jersey) described its Arctic Alaska operations, violated the "fairness doctrine" because the ads, in effect, constituted an endorsement of the contested trans-Alaska pipeline system.)

FLATTENING THE ENERGY-CONSUMPTION CURVE

One of the few Nixon Administration officials to call for a slowdown in U.S. energy consumption is S. David Freeman, who is leaving government service.

Freeman, assistant director of the Office of Science and Technology and director of the office's energy policy staff, said he worries about the way this nation eats up its natural resources. Privately and publicly, Freeman has suggested ways in which the government could seek to restrict energy consumption.

He also has been involved in devising government policies that seek to encourage development of new and cleaner sources of energy.

"I think there's a big question mark about what the demand (for oil) will be in 1980," he said in an interview. "If we really got serious about it, we could cut down . . ., flatten out some of those growth curves."

But, he said, "it's not happening yet. . . . We're hooked on the stuff."

(Projections of future U.S. demand for oil have been cited by proponents of the Alaska pipeline as a justification for developing North Slope oil.)

"It seems to me almost inevitable that one of these days congestion is going to call a halt to it. It makes a hell of a lot of sense to me to ban the internal combustion engine in downtowns of major cities."

Freeman said "there's no reason that I can see" why an urban automobile needs more than 100 horsepower.

Yet, he said, with a trace of irony in his Tennessee drawl, congressional adoption of emission-control standards for automobiles is leading to more consumption of gasoline, rather than less—because the control devices cause a 10- to 15-per cent increase in the engine's gasoline consumption.

On the subject of development of Alaskan oil, Freeman said, "The (natural) gas is a more pressing need for the national economy than the oil. It may be that the strongest justification for proceeding with the marketing of the oil is the need for the gas."

(North Slope natural gas is associated with the crude oil reserves, and the gas cannot be brought out until the oil is produced.)

"It's a cold hard fact that there's a shortage of natural gas," Freeman said. "It's much more acute than any supply problem with oil."

Asked about a proposal to market Alaskan oil in Japan in exchange for crude oil from other sources, Freeman said, "I have some question about whether that makes much sense from a national security point of view."

Freeman, 44, holds degrees in law (University of Tennessee) and civil engineering (Georgia Tech). A former Tennessee Valley Authority engineer, he served from 1961 to 1965 as assistant to the chairman of the Federal Power Commission and has been at the Office of Science and Technology since 1967.

Freeman is a strong supporter of President Nixon's proposal to establish a Department of Natural Resources to coordinate federal energy policies.

"The energy problems have reached the point where you need an agency in charge," he said. Until the government establishes an agency to look after energy matters, he said, "I think we'll kind of limp along with paste-together solutions."

Freeman is leaving government to help the University of Pittsburgh establish a degree program in energy resources development and management. He expects to remain based in Washington.

SON OF SANSINENA

In a much-publicized attempt to gain an exemption to the Jones Act, Union Oil Co. of California sought approval from the Nixon Administration in 1970 to use the oil tanker *Sansinena* to transport Alaskan oil.

The *Sansinena*, a U.S.-built, Liberian-registered vessel, was owned by Barracuda Tanker Corp. of Bermuda, a firm that Peter M. Flanigan, assistant to the President, helped organize.

The Treasury Department granted a waiver in March 1970 that would have allowed the vessel to be used in U.S. coastal trade—an extraordinary exemption from a provision of the Jones Act (41 Stat. 988) that requires shipping in U.S. coastal trade to be on vessels built and registered in the United States.

The waiver touched off a political controversy, and the Treasury Department quickly withdrew the exemption. (*See Vol. 2, No. 11, p. 542.*)

Union Oil, which was using the 67,000-deadweight-ton vessel under long-term charter, recently took delivery of a new, similar-sized vessel built in the United States by Bethlehem Steel Corp. for use in the Alaska trade.

Union Oil President Fred L. Hartley christened the new tanker the *Sansinena II.*

THE SHARPSTOWN FOLLIES—XLIV

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, I had never imagined, up until now, how cold and calculating a Government official can be. I had never imagined how callous and disdainful a politician might become. And I have been around public life for a few years. I have known hard and ambitious men. But never have I seen such crass disregard for the very institutions of Government as I now see in the Department of Justice.

I have never imagined that the Attorney General did not even care about the integrity of his Department, up until now. Yet all I can conclude is that he honestly does not care, that he believes that as long as nobody catches Will Wilson stealing, he has no need to dispense of that man's services, no matter how inept he might be, no matter how inattentive he might be, no matter how deeply involved he might be in the great Sharpstown scandals. The Attorney General apparently thinks that the wise political thing to do is ignore the stench emanating from Wilson's office, and not even answer questions about the situation, let alone show any concern about it.

And so we have the Attorney General making the rounds of the political din-

ners, raising funds for the forthcoming presidential campaign, and getting the machine in order so that everything will be running smoothly when he takes over a few weeks or months hence. And so we have Will Wilson, carrying on business as usual, pursuing his financial ambitions at the expense of doing a decent job for the people, even if he is capable of that.

But I am here to say that Mr. Mitchell is wrong. He cannot ignore the fact that Wilson is unfit; he cannot disdain to answer questions; he cannot forever depend on the flash of public relations to hide the incredibly absurd actions of the Department of Justice in granting Frank Sharp immunity, and ignoring Wilson's own role in that scandal. He may succeed in the short political run, but if he does, that success will come at the expense of respect for law and trust in the decent administration of justice. Mitchell might never have to answer me, and I do not care about that; but sooner or later, he who today undermines the foundations of the Justice Department will see it crumble about him. That is the tragic thing; through crassness, carelessness, calculation—whatever it may be—Wilson and Mitchell are destroying the very agency they are sworn to uphold.

PRISONERS OF WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIPLEY) is recognized for 10 minutes.

Mr. SHIPLEY. Mr. Speaker, American citizens have long been appalled and angered by the cruel and inhumane treatment accorded our prisoners of war by the Communist Government of North Vietnam. There is abundant evidence that the North Vietnamese have used methods for treatment of Americans that are far short of humane. We have confirmation of what has been a great concern for us as Americans—that our men are being seriously physically and mentally mistreated. North Vietnam denies accepted standards of humanitarian treatment for prisoners and has violated several provisions of the Geneva Convention. Some of these are:

Refusing to identify the prisoners it holds and account for those missing in North Vietnam.

Torturing prisoners both physically and mentally.

Failing to provide an adequate diet.

Failing to repatriate the seriously sick and wounded.

Failing to provide adequate medical care to all prisoners in need of treatment.

Escaped prisoners have told of maltreatment in Vietcong jungle camps. Most recent evidence about those imprisoned in North Vietnam discloses that many have been tortured by being deprived of sleep, refused food, hung from ceilings, tied with ropes until they developed infected scars and burned with cigarettes. At least one had his fingernails ripped from his hands. The broken bones of another, set by Communist doctors and still in a cast, were rebroken by guards.

It is difficult to know how typical these examples may be. But, regardless of the continuing secrecy in certain areas, substantial information is available on some prisons and the basic treatment of some prisoners.

Another factor to consider is the heartbreak and anguish relatives and friends are suffering from not knowing the fate of a loved one. The wives and families of a number of these heroic, yet all-but-forgotten men live in my State, and the letters I have received can only be described as heartening. These gallant wives, children, and parents are forced to wait in tormenting helplessness for months on end, indeed, some of them years, knowing that a loved one is a prisoner of the North Vietnamese but unable to learn anything about his condition or to communicate with him in any way. Others know only that a loved one is missing and can only hope that if he is a captive somewhere in North Vietnam, he is not ill or injured, that he is not being tortured, starved or otherwise abused.

Regardless of one's convictions about the war, no American can overlook the blatant inhumanity reflected by the North Vietnamese. I cannot understand the reasoning behind the mistreatment of prisoners. Certainly, it can only serve to unite concerned citizens in the United States in condemnation of Hanoi's cruelty.

This is not a political issue—it is a humanitarian issue of the utmost concern to our entire Nation. I support the administration in whatever efforts it makes on behalf of the American servicemen held captive in North Vietnam and urge that these efforts be continued and increased. Every possible step should be initiated through diplomatic, military, and any other channels to insure that the tenets of fair and humane treatment are accorded to American prisoners of war.

If there is to be peace in this world, it must begin with the mutual recognition by all peoples of the basic rights of mankind. War results when these basic rights are violated and war will continue to plague the world until these basic rights are restored to their proper place in the world.

For my part, I intend to continue my attempts to marshal public opinion against Hanoi's outrageous and brutal treatment of our boys in North Vietnam and to continue to assist other concerned individuals in their efforts to press for proper treatment of prisoners of war.

Certainly, this is a situation unparalleled in our Nation's history.

FOREIGN IMPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 10 minutes.

Mr. DENT. Mr. Speaker, I would like to present to my colleagues the eloquent presentation on "Foreign Imports" by State Senator John F. Parker of Massachusetts.

I think this speech deserves the attention of all my colleagues.

FOREIGN IMPORTS SPEECH BY STATE SENATOR JOHN F. PARKER, REPUBLICAN, TAUNTON MINORITY LEADER, MASSACHUSETTS SENATE

There is an ancient biblical expression that says, "No man can live by bread alone. . . ."

It applies, not only to men as we know them, but also to nations, for like men, no civilized nation can live by bread alone.

As individuals, we need a mixture of things to survive, and as a nation, we need also a mixture of things. Our lives cannot be all bread. We know this, and that is why we eat vegetables, meat, fish, cereals, and other foods. A nation likewise survives economically and materially on an equal mixture of things produced in that nation and brought in from abroad.

And yet, whenever the mixture gets too overbalanced—too much meat, too much fish, too much bread—we suffer, for our bodies function best on balanced diets. Our nation also can function best on a balanced diet. I need not tell you ladies present what happens when diets go askew. Everybody who has had a weight problem has been told that they are taking in too many sweets, too many potatoes, too much bread, and on it goes. If you want to survive, you pay attention to the doctor and you cut down. If not, you know the answer.

Nations are no different than people. If the intake is too heavy on special items, the nation takes on excess weight of products. It functions poorly, economic stress sets in, it balloons and finally explodes and collapses.

The trouble with America today is that its diet of imports is too rich. It is taking on too much weight. It is heading for trouble and needs above all else some serious economic weight watching, so far as imports are concerned.

And, so, we meet here today in this fine motel in Andover, Massachusetts, one of thousands of like motels, products of American initiative and energy. It is summertime, the beautiful month of August, the very height of vacationtime in the United States.

Of course, summertime means different things to different people. For most people we know, middle-class American working people, summertime means vacationtime—

In the mountains, maybe,
Or a trip across the land,
Or beside some lake, stream or oceanfront.

For many people, vacationtime means staying at home and relaxing, free for a time of the responsibilities of work, free of the discipline which the rest of the year requires.

At vacationtime, we are free for awhile to be aware of what we want to be aware, and free to ignore what we wish to ignore.

But, as we all know, vacations end and we have to assume the responsibilities of work. These responsibilities extend to feeding and clothing our families, perhaps buying a home, purchasing goods, saving again for vacations, a few dollars for a rainy day, putting money aside for college for the youngsters.

In other words, when we return from vacation to our workaday world, we must shed the atmosphere of vacationtime, since obviously we would get little or nothing accomplished.

As I came in here today over massive Routes 495 and 93, I was caught up in the tremendous flow of vacation travelers going north for the open spaces of New Hampshire, Maine and beyond. Automobiles packed with people, trailers, license plates from every state in the union, happy American faces, speeding along to their destinations, eager to eat up every minute of their vacations, forgetting for the moment that job back home, happy to get away from the tedium of work, but hopefully secure in the knowledge that their jobs will be there when they get back.

Not only coming along the expressway this morning, but also on visits to the beaches,

resorts, and other places where vacationers gather, I feel the almost cavalier attitude toward something that is throwing America's economic diet into a cocked hat. For the American workingman is buying foreign cars as never before, Japanese radios and cameras, Spanish and Italian shoes, Hong Kong suits, English bicycles, French tooth paste, Swiss watches, and what have you—and despite that, he expects his job back when he gets home from vacation.

So, whether or not we are on vacation retreating from our workaday lives, we cannot afford to retreat from or ignore the incredible phenomena of the past 20 years so far as imports into America are concerned. It is an increasingly serious problem, this expanding glut of foreign-produced goods pouring freely across our shores.

And I am referring to the problem of an unconcerned army of American consumers who snatch up these foreign goods in ever-increasing numbers, blissfully unaware of the growth of another army across the land.

An army of unemployed Americans. An army which, in many cases, owes its existence to the unrestricted flow of foreign imports into the United States.

As Americans, we seem to ignore the fact that the economics of imports is the economics of people.

As Americans, we seem to ignore the fact as of today, we have almost 6 million persons unemployed in America, a substantial number of whom lost their jobs because of the unchecked influx of imported products into this country.

That is the economics of the people.

As Americans, we seem to ignore the fact that over 2 million jobs had been lost to foreign imports by the end of 1969, and that current projections indicate that 5 million jobs will have been lost by 1980.

That, too, is the economics of the people.

So the question arises—why do we continue to ignore these figures?

Why do we place the problems of foreign imports at the bottom of our economic concerns?

The first reason, I think, is a very simple one.

With some notable exceptions, foreign imports seem to cost less than their American counterparts.

Never mind that the quality of imported goods is often markedly inferior to domestically produced goods.

Never mind the number of American jobs that are wiped out with every new import agreement.

Foreign goods cost less—and that's it!

Never mind that I am demanding $7.00 an hour for my efforts as an American working man; if I can buy something that some foreign worker produced for 35 cents an hour, I'm buying it. In America today, that's the attitude.

The fallacy of this argument is simply explained—and a lot more to the point.

The American jobs which go unfilled because of imports means a growing number of American consumers who are unable to consume.

And that applies to the consumption of foreign goods as well as American goods.

In other words, we are diminishing—or eliminating outright—the buying power of our citizens.

The power to buy anything.

And that economic fact of life has some pretty far-reaching implications, because the strength and very existence of the American economy rest squarely on buying power. Unemployed people don't buy much other than the bare necessities of life.

When you weaken buying power, industry suffers and very often must go out of business.

Labor suffers, for if the doors of the factory are closed, where do you go?

Communities and States suffer. People cannot pay real estate taxes which affect communities, they cannot earn enough to pay income taxes and the state suffers, and if there are no industries, there are no corporation taxes.

The Federal government suffers because its tax base is eroding. Instead of providing moneys to stimulate the economy, it finds itself having to subsidize a sharply increased number of former taxpayers.

Former taxpayers who have no desire to become wards of society.

Former taxpayers who have no desire to become recipients of welfare.

Former taxpayers who have no desire to be forced to use up their unemployment benefits and unemployment compensation.

And former taxpayers who, in fact, had every reason to believe that their incomes and their standard of living would improve as the American gross national product and standard of living improved.

Man, what a cruel awakening!

What a cruel awakening to find that neither they, as individuals, nor their companies, nor their unions, have any power to turn things around to protect themselves and to protect the goods which they produce from being swallowed up in an ocean of freely imported goods.

Which leads me to my second reason. The Federal Government and our Congress continues to exercise its policy of "Indifferent Neglect" toward the whole problem of unrestricted foreign imports.

The United States, which almost single-handedly, rebuilt the economies and production of the war-ravaged nations of the world, refuses to extend similar assistance to American industries and American workers suffering from unfair foreign competition.

Unfair competition, I say, because the very nations which we rescued have turned around and set up a whole series of insurmountable hurdles to trade.

They have set quota restrictions, import levies, so-called "equalization taxes," and unequal dollar exchange rates.

They are giving us the business of a different nature. We, in turn, provide virtually no protection to foreign importation.

And the result is just what you would expect—a flood-tide of foreign goods that threatens the American economy at home and the position of the United States in the World Market.

The government up to this point has done little to stem the tide of imports, but encourages through its inaction, the flight of giant American corporations abroad.

The runaway American plants who close down production at home, lay off their workers and open up operations overseas where they can pay subsistence wages in Europe and slave wages in Asia, turn around and sell their products in America, cutting sharply below prices of goods produced by American workers.

And the American worker suckers himself into the whole mess by eagerly buying everything in sight based upon price alone. In fact, the greatest outlets for foreign-produced goods are the low income areas where huge market outlets and stores sell everything imaginable to factory-worker Americans. A trip through a shopping center in middle-income America will find the parking lot filled with foreign cars and the shopping bags filled with foreign merchandise. And then the working man complains he has no job or is on short time. *Price blinds him to the realities of life and economics.*

It is not only the working man who has become caught up in foreign imports, it is almost everybody all the way up to the politicians. The rich are buying their boats in Holland or Sweden. The Union member loves Italian shoes and doesn't feel ashamed to be driving a foreign car. Even politicians are involved. Years ago, every politician I know would wear nothing but a union-made suit or sports coat. He made sure he drove an American made car. He made an issue of his union-workingman orientation. Now, they are like everybody else. They boast about their Datsuns, Toyotas and Volkswagens. They park them in the State House parking lot and tell about their performance to fellow legislators. They feel no guilt in their Hong Kong suits, nor do they fear any retaliation from Unions, who are doing the same thing. They profess concern for the unemployed and legislate to help them—and campaign in a Volkswagen or a Toyota. Times surely have changed since we cried, "Buy American". My, how old fashioned that phrase has become!

Imports of electronic products and components has increased 328% since 1964. Is it any wonder Route 128 is a disaster area? Footwear imports have increased 311% since 1964. Is it any wonder there are only two shoe factories left in Brockton? Hardware imports have increased 306% in seven years. What has this done to some of our shops and foundries? Leather goods imports have increased 183% in seven years. This means ladies pocketbooks, suits, belts, baseball gloves, etc. It has practically killed the leather business in Massachusetts and the United States.

Foreign companies and foreign nations have literally dumped their goods on the American market, endangering every facet of American industry. United States imports of automobiles rose to 1,847,000 in 1969, a 237% increase over 1964.

In the area of automotives, textiles, steel, electronic equipment, television, radios, shoes, etc., the trade balance, U.S. foreign is now listed at a 6 billion dollar deficit.

Foreign imports are not just nibbling at the American market. They are gobbling huge slices of it. Kids ride up to my house on Honda motorcycles and tell me they can't find a job. Veterans just out of the service are as infected as anyone else. They buy foreign whenever they can. "But foreign" has replaced "Buy American" and it's getting more serious every day.

Japan alone is making inroads into United States consumers that is beyond belief. 25% of the United States television market is now Japanese; 50% of the American motorcycle registrations are Honda; 90% of the white shirts sold here are made in Japan; 50% of the fabric for American suits is made in Japan; a 200% increase in Toyota and Datsun cars has left the American auto dealer on his heels.

Japan will sell two billion dollars more goods this year to the United States than it will buy from this country. While nearly 90% of Japan's exports to the United States are manufactured products, about 70% of the items Japan buys from this country are raw materials and agricultural products. Take note of that.

And yet, Japan maintains import quotas on at least 120 categories. In other words, it is difficult for the United States to sell certain finished products to Japan. As a comparison. Japan's duty on imported cars is 10%, compared with 3.5 on foreign cars entering the United States market. On top of this, retailers of American cars in Japan must pay commodity taxes ranging from 15% to 40%. So what do we do? Give up.

So we stand, this week in August, with an awesome array of figures, imports versus exports. The government reported that Americans spent $374 million dollars more for imports than the economy earned from exports during the first six months of the year. *We may go over a billion dollars before the year is out. It is impossible to maintain that ratio and have a solid economy and everybody knows it.*

The terrible crush of all this has adversely affected New England as well as the rest of the United States. 549 textile mills have closed in the last few years, with 33 of these in New England alone. From 1962 to the present, 115 shoe plants have closed down as imports skyrocketed to 236 million pairs of shoes.

My good friend, Congressman James Burke of Milton, in a speech before the American Federation of Labor, C.I.O., declared that for the first time since the Korean War, the United States has registered two successive months of trading deficits. He further stated that the free trade lobby was the most powerful in Washington and that their efforts to open wide the doors for imports has resulted in frightful pockets of unemployment in this nation's industrial sectors.

Congressman Burke further stated that the United States Congress should create a policy of balance on imports and exports and substitute orderly growth for runaway flooding. "Nothing short of an across-the-board review of this nation's foreign trade policies can guarantee full employment for the people of this nation," said Burke. "We must get off the disastrous course of the last 20 years or foreign imports will eat us out of house and home and the American worker will be forced to subsist off the crumbs of employment, unemployment benefits, and worse still, public welfare."

There is a new book on the best seller list. It is called the "Greening of America". It is a fine book and all should read it. On the import front, someone should put together all the facts of foreign imports as they apply to America and the percentage escalation of those imports and then write a book entitled the "Swamping of America".

When I started to write this speech some few days ago, I was not aware that something would be done on the national level to hold the line and turn back the tide. You know, as well as I, that President Nixon this past week took a dramatically bold step in his price and wage freeze which goes into effect for the next 90 days.

I am not going to burden you with details of that far-reaching decision by President Nixon. It is all in the papers for you to read. However, one point you will note, and it ties in with what I have to say, is that the President has imposed a 10% extra tax on imports of foreign goods. He hopes through this method to slow down the incredible flow of goods into this country.

The President stated that the import tax is a temporary action—not directed at any other country, but an action to make certain that American products will not be at a disadvantage because of unfair exchange rates. When the unfair treatment is ended, the President said the tax will end. Through this method, the President hoped the products of American labor will be more competitive and the unfair edge that some of our foreign competition has had, might be removed.

The President further said that the time has come for exchange rates to be set straight and major nations must compete as equals, and that the United States cannot compete any longer with one hand tied behind its back.

How much long-term effect it will have, I cannot say for sure. All I know is that there is a Filene's basement rush to buy foreign cars, diamonds, French wines, and other commodities that are stockpiled in this country and thus not subject to the new tax surcharge. I might add, the stockpiles of foreign merchandise are tremendous, so what effect the price freeze and 10% surcharge will have over the next 90 days remains to be seen.

Other than President Nixon's bold step to hold the line, Congress has done little to balance imports and exports. *Here in my hand I hold a report of the Congressional Committee on Ways and Means background material on selected trade legislation.* It is filled with the story of the agony of American business. I suggest you read it, then get on the line to your Congressman.

Typically, House Resolve 17481 reads:

"The Congress finds that the markets for certain leather goods, particularly footwear and personal items of leather in the United States have been disrupted by the large and increased volumes of foreign imports. . . .", and on it goes, pleading for quota restrictions and other proposals.

While these bills and many others languish in Congress, the flood-tide continues by land, sea, and air, and Americans continue to lose their jobs.

Despite these bills, Government still maintains its vacation-time attitude—all year round.

This attitude is creating permanent vacations for employers, for employes, for working men and women, who find themselves cut off from the mainstream of the American economy.

The once full-time jobs of many Americans have become full-time vacations:

Vacations without benefits

Vacations with no pay

Vacations of frustration and aggravation, and

Vacations with no future.

All this doesn't mean, of course, that we should tear down the machinery of trade, close our ports, and retreat behind impenetrable walls of tariff restrictions. It means we must re-cast our economic philosophies and mold them into 1971 thinking and conditions as they now exist.

Unless we do this, and wake up to what is going on—who knows, this nation and its people might well have to live on bread alone. It is that serious!

VIOLENCE FEARED AT PANAMA DURING MAMMOTH DEMONSTRATIONS ON OCTOBER 11

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, it has often been observed by students of history that coming events cast their shadows before they occur. The truth of this saying has been repeatedly illustrated during recent years in the Caribbean where the Panama Canal has become a prime objective for the Communist conquest of that strategic area.

October 11, 1971, will be the third anniversary of the 1968 coup d'etat that overthrew the constitutional government of Panama. The present revolutionary government there plans to celebrate the occasion with mammoth demonstrations. Reports from the isthmus are to the effect that Reds are planning violence that could exceed that of January 1964 and that many innocent persons in the Canal Zone and Panama could be injured and possibly killed. A great fear on the isthmus is that "rum fortified" celebrators, already whipped into a frenzy of hatred by the revolutionary government and its controlled press against the United States and Panama Canal authorities, will be impossible to combat.

As to the possibility of such danger, even our own Department of State in its September 1971 memorandum on "Background on Panama Canal Treaty Negotiations" has admitted that the—

Renewal of violence in Panama, possibly more extensive than experienced in 1964, might be unavoidable if the treaty objectives considered by the Panamanian people to be reasonable and just are not substantially achieved.

Thus, again our State Department is showing abject cowardice in dealing with the Panama Canal situation. Moreover, during recent years that Department has uniformly sought through weakness and shabby sentimentalism to betray the indispensable interests of the United States at Panama; and it has followed policies not only detrimental to our Government but also helpful to powers bent upon the destruction of the United States.

Mr. Speaker, the stage is set at Panama for another act in the drama of the isthmus. The situation is so acute that our authorities must be prepared to protect not only the lives of our citizens in the Canal Zone and Panama but also the Canal itself. The people of our country are not going to stand for a Suez situation at the vital Panama Canal.

MAJORITY LEADER CALLS FOR NEW INITIATIVES IN FOREIGN TRADE POLICY, REMOVAL OF TRADE BARRIERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, last Friday the distinguished majority leader (Mr. BOGGS) issued a statement calling upon President Nixon to propose new initiatives in foreign trade policy aimed at reducing trade barriers. The majority leader rightly points out that the current 10-percent surcharge should be removed as soon as possible, and further protectionist measures avoided, if such initiatives are to be successful.

The majority leader's statement is timely and constructive, and I commend it to my colleagues and to President Nixon:

STATEMENT OF REPRESENTATIVE HALE BOGGS

With the completion today of the meeting of the International Monetary Fund and the World Bank, the opportunity exists for major, constructive steps to reform the world trade and payments system.

Such initiatives are essential if we are to take advantage of the new opportunities opened up by the President's new economic policy of August 15th and to avoid its pitfalls.

The choice we face is clear: the disintegration of the system so laboriously constructed since World War II or revitalization and reform in the interest of expanding world and trade and investment and achieving higher standards of living for all.

I am encouraged to believe that the initial phase of currency realignment will be completed successfully no later than the end of this calendar year. This will require compromise and adjustment on all sides, including that of the U.S.

In this regard, I wish to reaffirm my support for the proposal advanced by my colleague, Congressman Henry Reuss of Wisconsin, that the United States undertake some moderate devaluation of the dollar in terms of gold as evidence of our good faith. It should be understood that such a step does not mean that the United States will re-open the gold window or that the position of gold in the international financial system will be

restored. That issue should be resolved as part of the longer term reform of the international monetary system on which negotiations could begin as soon as the short term steps for currency realignment have been agreed upon.

Major issues of trade relations remain unresolved. I am pleased that the Administration has apparently changed its mind about including elimination of trade restrictions against U. S. exports as part of its short term package of currency realignment and reform.

The proper way to deal with trade issues is by undertaking a major, multilateral negotiation under the aegis of GATT. I call upon President Nixon to undertake the necessary preparation and prior consultation that will permit him to propose to the Congress a new trade policy package, including such recommendations for legislation, at the opening of the second session of the 92nd Congress.

This is the time for initiatives equal in boldness and imagination to the new economic policy announced on August 15th. Half way measures will not do. I am sure the response both at home and abroad to such an initiative will be overwhelmingly favorable.

To make such an initiative credible, the President must remove the import surcharge as soon as agreement is reached on the general rules for currency realignment. This should be about the middle of November on the present timetable, and it would be a happy event if it coincided with the announcement of phase two of the new economic policy. Secondly, the President should avoid any further restrictive measures in the field of trade in order to eliminate the possibility of prejudicing currency measures which are forthcoming as well as the longer term initiatives in trade liberalization and cooperation which I have proposed.

YOUNG DEMOCRATS OF LOUISIANA HONOR HALE BOGGS

The SPEAKER. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 10 minutes.

Mr. FULTON of Tennessee. Mr. Speaker, our distinguished majority leader (Mr. BOGGS) was honored recently in New Orleans at a dinner hosted by the Young Democrats of Louisiana.

The featured speaker for that occasion was one of our colleagues from a neighboring State, Congressman BILL ALEXANDER of Arkansas.

Congressman ALEXANDER spoke of the role young people can play in the democratic process and of our majority leader, an individual who has never lost a youthful enthusiasm for public service.

The speech follows:

SPEECH BY REPRESENTATIVE BILL ALEXANDER HONORING HALE BOGGS

1968 was my maiden voyage on the political seas. I have now completed one term in Congress and am in the midst of the first session of my second term. What a privilege it is for a newcomer in politics to have the opportunity of participating in honoring our majority leader this evening!

Having been elected to serve my people as their national representative is indeed a rare privilege. This is enhanced only with the additional pleasure of knowing and working with the great leaders of this Nation.

Next to the experience of service to my people, the personal association with such national leaders as Hale Boggs is the greatest reward public service has to offer.

The man we honor tonight was first elected to Congress in 1940. His first years in service to our Nation were tempered in the cauldron of triumph and tragedy. He was weaned in politics during the war years of the Roosevelt administration.

Those were the years when the very fabric of the civilized world was threatened by a war spawned of the tyranny and fascism.

What a time to begin the long journey that led this man to political leadership! The people of our Nation were united in the cause of freedom. The human sacrifices were great. The men and women who led this Nation were strengthened by that struggle as our Nation entered a new era with a broader view of humanity and responsibility.

During the post-war era, that young Congressman saw many changes in and out of Government. There was a rise in the bureaucracy.

This Nation and its leaders saw the demise of American isolationism as a foreign policy. All of America learned that we could not build a wall around this Nation and survive.

Hale Boggs saw both the cause and effect of the Marshall plan. He witnessed the formulation of NATO. As a Member of Congress, he and this Nation learned about a new kind of cold war, and a doctrine called "containment."

The man whom we honor tonight saw a world that was changing, and though it was not apparent to all, he foresaw that the United States was changing even more rapidly than its foreign neighbors.

We suddenly found a Nation where more than 70% of the people lived on less than 1% of the land. He saw our citizens by the hundreds of thousands leave the rural areas of this great country to seek a better life in the cities most under-educated and ill equipped to live in urban society. Hale Boggs has helped prevent the problems of the cities from growing into a national nightmare.

As the decade of the 1950's grew old and the 1960's rolled onto the horizon, there developed what we have come to know as "new politics". Individual rights emerged as the single most important political issue. The men charged with the responsibility of leading this Nation through the social revolution of the 1960's—Presidents Kennedy and Johnson—were gifted with a super sense of sensitivity.

They often relied in the Congress on men who possessed this same quality—men like Hale Boggs.

A majority leader must possess an extra quality of human awareness. Without it, he could not detect the under-currents running through the Nation and therefore, through the Congress. He must know when to be firm, as he must recognize the need for compromise. He must deal with the aggressive freshman as well as the entrenched octogenarian. He must have a feel for history in order for this Nation to benefit from the mistakes of the past.

In 1968, as chairman of the Democratic National Convention Platform Committee, Hale Boggs was among the first to recognize that the time had come to extend the right to vote to the youth of America.

Two years later, during my first term in Congress, when the defensiveness of older Members reached its highest peak, Hale Boggs led the battle for legislative reform which now gives younger Members more authority and more responsibility than ever before in the history of the United States Congress. His efforts ended the secret vote which, translated into meaningful terms, means that any congressional commitment may now be voted upon in the Congress.

Hale Boggs has always preached "unity". For our party's representatives in the Congress are not peas in a pod.

Sparky Matsunaga in his seconding speech for Hale Boggs, summed it up effectively:

"We have regional, economic, ideological and personal differences. This diversity is the true strength of our Party. But for us to be effective—and to serve our people—we must develop a consensus. We must, out of this combination of two hundred and fifty-four separate and distinct individuals, construct a working majority."

In selecting its majority leader, the Democratic caucus chose a man who understands unity and minority, for Hale Boggs represents the Nation's oldest minority—the South.

PERSONAL ANNOUNCEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 5 minutes.

Mr. DANIELSON. Mr. Speaker, on Monday, October 4, I was forced to leave the floor shortly before 6 p.m. because of a previous commitment. It was not possible to foresee that the House would stay in session until 10:06 p.m., based on the announced schedule of House Resolution 596, plus 14 noncontroversial bills brought up under suspension of the rules.

Nevertheless, I was unable to vote on the three rollcalls that came up after I left. I would like to announce that if I had been present on roll No. 284, H.R. 9961, relating to providing temporary insurance for members accounts of certain Federal credit unions, I would have voted yea. On roll No. 285, H.R. 8083, relating to improvement of the air traffic controllers career program, which was passed by a unanimous vote, if present I would have voted yea.

Following this, action was taken on the conference report on H.R. 8866, the Sugar Act Amendments, on roll No. 287. If present, I would have voted yea.

TAX BILL: BUSINESS BONANZA, PEANUTS FOR INDIVIDUAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. DULSKI) is recognized for 10 minutes.

Mr. DULSKI. Mr. Speaker, I rise in opposition to H.R. 10947.

I strongly supported President Nixon when he invoked the wage and price freeze in August under the authority given him by Congress last year under legislation which I favored.

Inflation had become so rampant under his old policy that I was pleased when the administration took some positive steps to deal with this problem.

I was hopeful that when the tax phase of the new economic plan emerged from the Ways and Means Committee, it would be of some help to the middle working class. These are the ever-neglected people in tax legislation, despite the fact that these people pay almost 68 percent of the income tax revenues.

Having carefully studied our tax laws, I regret to find that the pending bill, H.R. 10947, gives only a pittance to the average taxpayer while providing another bucket of bonanzas for big business. Of course, this should not be surprising. Indeed, it is par for the course for this administration which has favored big business consistently since it took office in 1969.

BENEFITS ARE MINIMAL

It is true that the pending bill provides some slight gains for the individual taxpayer, but close analysis shows that

these gains really will mean very little in terms of dollars and cents.

As an example, an average taxpayer earning $9,000 per year with three dependents will receive a tax break of only about $24 in 1972. This is equivalent to a paltry 7 cents per day.

Let me repeat, the so-called tax break for the individual taxpayer with three dependents would be only 7 cents a day in 1972.

There is much being said about the great help that will result from the repeal of the excise tax on automobiles. I believe this will be only short term.

It is my conviction that when this automobile excise tax is repealed and the wage-price freeze is lifted, the price of automobiles will be increased to make up the difference so that future automobile purchasers will gain nothing from it.

REASON FOR SUSPICION

I am most suspicious of this bill because it has a flavor of misguided legislation which is being pressured through Congress once again. I recall the bill to help stockholders of the Du Pont Corp. This was publicized as intended to bail out the average taxpayers who owned a few shares of Du Pont stock. As it turned out, however, the bill really provided a huge tax break for the large stockholders—the millionaires.

How did we get caught with such a distorted tax bill, the Du Pont case? What happened was the pressure from the thousands of Du Pont stockholders owning just a few shares. Indeed, the combined holding of all those thousands of small investors was less than 25 percent of Du Pont's issued stock.

It was the fat cats who instituted the drive among the smaller stockholders to pressure their own Members of Congress to support the bill on the contention that it was to the advantage of the small stockholders.

When the tax gains actually were figured out, it was the fat cats who saved millions of dollars and, as always, the small stockholders saved only peanuts.

MORE OF THE SAME

The pending tax bill reads like more of the same for the average taxpayer. I am not opposed to fair tax treatment for business, but at the same time I do not see how we can justify all these bonanzas for the business community in exchange for mere token gains for the individual taxpayers.

I do not intend to be caught again with a tax bill that is out of kilter and, indeed, the pending tax bill should be described as the "Revenue Give-Away Act of 1971."

This has been the year for giving away the public's tax money. First, we came to the rescue of the mismanaged Penn Central Railroad and rewarded them with a major financial assist. Then we approved a huge loan to the Lockheed Aircraft Corp. Now, we are being asked to give away tax revenues which we desperately need for essential programs.

Even the business community itself is concerned about the so-called Domestic International Sales Corp., which constitutes a revival of a tax haven that Congress halted several years ago.

PERMANENT DEFERRAL

Under the DISC, corporations are allowed to defer Federal income taxes on profits from exports. But rather than simply a deferral, this proposal may well result in a complete exemption from taxes—another bonanza.

What we really need is action to hold down inflation and reduce unemployment. That means putting more money in the hands of the buying public.

My own thought on this matter is that, for one thing, we should act to reduce the oil depletion allowance as I have consistently advocated since I came to Congress.

Second, there is no doubt in my mind that there are too many loopholes in our tax system. These have been brought to the attention of the committee many, many times but they continue to exist.

With regard to the proposed 7-percent investment credit for business, I wonder what real help it will be for a company which is struggling for survival? Further, what help will it be to change the guidelines for depreciation?

Struggling companies cannot afford to take advantage of these programs—it is not the kind of help they need. The 7-percent investment credit will cost the Treasury $2.4 billion for fiscal 1972, while the so-called asset depreciation range system will cost about $1.5 billion.

INVESTMENT CREDIT CIRCA 1969

Incidentally, it is interesting to find the Chief Executive proposing to renew the investment credit program. Back on April 22, 1969, the President urged its repeal with the assertion that "this subsidy to business investment no longer has priority over other pressing national needs."

If the Chief Executive was right in April 1969 in calling for the repeal of the investment credit, how can he justify urging its reinstatement now as permanent law plus adding the asset depreciation range system?

The pending bill would cut revenue from business taxes by $14.1 billion over a 3-year period and would cut income tax revenue from individuals by only $5.7 billion in the same period.

I fail to understand how we can continue to tend to our national needs if we sharply reduce our Federal revenue.

NEEDED TAXPAYER HELP

I agree heartily with the bill's proposal for an increase in the low-income allowance and the one-time, 1-year speedup in the deduction and exemption increases for individual taxpayers.

These proposals in themselves certainly will stimulate buying power and would be of assistance to the taxpayers who need and deserve it. But it is a high price to pay for the tax bonanzas for business that ride on their coattails.

Mr. Speaker, this tax package is inequitable and under the closed rule there is no opportunity to modify this bill during floor debate.

I have the greatest respect for the distinguished chairman of the Committee on Ways and Means (Mr. MILLS) and for the valiant efforts of him and his committee.

However, I see no choice but to oppose the entire bill.

RURAL DEVELOPMENT AND POPULATION DISPERSION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PURCELL) is recognized for 15 minutes.

Mr. PURCELL. Mr. Speaker, I have been joined today by the gentleman from South Dakota (Mr. ABOUREZK), the gentleman from North Dakota (Mr. ANDREWS), the gentleman from Washington (Mr. FOLEY), the gentleman from North Dakota (Mr. LINK), the gentleman from Kansas (Mr. ROY), and the gentleman from Oklahoma (Mr. STEED), in introducing the "Rural Development and Population Dispersion Act of 1971." It is not a complicated bill. It is not an expensive bill.

But it is a bill which would recognize the critical problem of this country's population shift at the Executive level. The passage of this bill would create a Council on Rural Development and Population Dispersion within the Executive Office of the President. It is intended that this council would have status comparable to the Council of Economic Advisers and other agencies in the President's office.

Fifty years ago, the population of the United States was evenly balanced between cities and countrysides. Today, 70 percent of the Nation's population is crowded into 1 percent of its land area. All told, 14 out of each 20 people live in the cities.

This trend has created massive problems for both urban and rural America. As Americans, we are witnessing a picture of increasingly congested cities—particularly on the coastline—blighted by noise and tension. Crime has made streets and parks unsafe as violence increased 57 percent in the last decade. Pollution has struck at rivers, lakes, air, and land. For many, unemployment has become a way of life. Welfare is often unbearable to its recipients, and a burden for the Nation.

At the same time, hundreds of small towns across the country have become virtually deserted, scarred by boarded-up stores and half-empty houses where only the elderly live. Young people often have fled from the countryside where there are few good job opportunities. Agricultural workers, who once made up 31 percent of our total national work force, now account for less than 9 percent. The 30 percent of our population living in rural areas includes over one-half of the Nation's poor, and the average farmworker sees his income amount to only half of what his city cousin is making.

Federal attention to this problem is long overdue, Mr. Speaker. Had a logical policy for revitalizing the countryside been in effect even 10 years ago, the situation would not be as bad as it is now. Our duty to our descendants is too clear to allow them to be brought up in a choking, overcrowded megalopolis while the clean country outside lies dormant, broke, and deserted.

The Council on Rural Development and Population Dispersion could begin to meet this need. The bill does not detract in any way from the several action-oriented rural development bills currently before this Congress. In the final analysis, only these action bills can

succeed in pumping true opportunity into the veins of rural and small-town America. But above them all we need a basic policy commitment to balanced growth directed toward a simultaneous solution to big city problems and small-town decay. This council, at the ear of the President, could provide that vital commitment.

Mr. Speaker, the creation of this council would be our first step into the heart of the overbearing crisis of population maldispersion. The continuing internal migration of the American population will inevitably fan the flames of our many domestic problems. I am hopeful this legislation can be passed with the urgency which its objectives demand. I am confident in urging this quick action.

Thank you, Mr. Speaker.

PERSONAL ANNOUNCEMENT

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, on Monday evening, I was called away from the Chamber after having spent most of the day participating in the legislative program. I was not aware that any further record votes would be taken since it was after 7 o'clock at that time. Unfortunately, three record votes and a quorum call were demanded during my absence. Had I been present in the Chamber, I would have voted for passage of the credit union share insurance amendments, I would have voted against passage of the air traffic controllers career program.

Mr. Speaker, I regret that these record votes were demanded during my absence, especially in light of the fact that I participated in drawing up the air traffic controllers bill in the Post Office and Civil Service Committee and I participated in drawing up the credit union share insurance amendments in the Banking and Currency Committee.

I FEEL LIKE I HAVE BEEN PROCESSED

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include pertinent material.)

Mr. HALL. Mr. Speaker, as the Congress continues to explore the health needs of this Nation and begins to turn its attention toward some sort of a national health plan, the term "health maintenance organizations" will make its way into the conversations and debate.

HMO's can take many forms, from large corporations to a small group of doctors combining for such a purpose. Once formed, the organization contracts for preventive services at an annual rate per beneficiary.

On the surface this might sound like a good plan, indeed, it is an important part of the administration's health concept, and many think it a new and sparkling concept. However, for those who would like to look beneath the surface I offer the following article which recently appeared in the publication private practice, from one like myself who has been down this road many times, many years.

The article follows:

BRITISH HEALTH CENTRES: "I FEEL LIKE I'VE BEEN PROCESSED"

(By Joan Hobson)

The middle aged man I met coming out of a Nottinghamshire Health Centre was pale, unsteady and obviously in need of reassurance. His reaction to treatment in that recently completed, somewhat stark medical establishment indicated both dissatisfaction and disillusionment. "I feel like I've been processed rather than healed," he said.

There are around 100 Health Centres now operating in Britain, buildings from which varied numbers of family doctors practice in combined operation. The local government provides the premises and GPs pay rental for accommodation and maintenance services. The Health Minister then reimburses that sum to the doctors (less a percentage to cover any use of the premises for treatment of private patients). Nursing, clerical and maintenance staff receive their salaries direct from the Local Authority.

The establishment of Health Centres throughout Britain was originally suggested in 1934. According to a 1944 survey 50 percent of the general practitioners were then in favour of such Centres—subject to the condition that doctors still work on a capitation fee basis and remain free to undertake private practice.

When the National Health Service was established in 1948, doctors counted on the Health Centres to revolutionize working conditions. By organizing duty periods and providing telephone cover, the Health Centre, it was thought, would relieve GPs of non-stop duty and the need to work from consulting rooms incorporated into their homes.

But the profession was in for a shock. First, the act of making health care free at the time of service increased work load beyond all expectations. Then, within six months, Parliament instructed local authorities to postpone provision of the promised Health Centres.

Only 20 Health Centres were built in the first 18 years of the NHS. After 1966 Health Centres were included in plans for numbers of new housing estates, resulting in the increase to 100.

Ironically, the government's delay in implementing the original promise has resulted in an about face by many of the doctors who initially voted for Health Centres. Armed now with knowledge that bureaucracy is constantly spreading its tentacles into all areas of medical practice, the profession has withdrawn its half-approval. A recent poll among doctors in one southern county revealed that 75 percent are now anti-Health Centre.

In view of the way in which the Centres have developed, many fear that working from Centres will further damage the doctor-patient relationship.

Every doctor likes to have his own consulting room, but local authorities say it is uneconomical for rooms to stand empty while the "owner" is making house calls, so there is sometimes insistance that the rooms be shared by other people. Four practitioners operating a Centre near London complain that a welfare clinic, a chiropody service for the aged and occasional blood donor sessions take over their personal offices during the afternoon. A Lanarkshire Centre now in the planning state, has been designated on the premise that whenever any particular doctor is not there his room will be used by someone else. That Centre will house 18 doctors to cater for 50,000 patients.

Medical men have also come to realise that in providing premises the local authorities could also forbid doctor-tenants access to those premises if future disputes with the Ministry of Health drove the profession to undertake sanctions. How could its members take effective action knowing they would be left without practice premises were they to quit the NHS?

Some doctors have already found that they are locked out of their consulting rooms without prior notice. A Flintshire doctor arrived at the Centre he and five colleagues share with a local Antenatal Clinic to find a notice: "Surgery closed owing to infectious disease in the Clinic." The six doctors had to hastily arrange for accommodation in private houses nearby.

Many local authorities have publicly excused the prolonged delay in providing Centres by implying that their budgets have more deserving calls, but privately they are seriously concerned lest insufficient doctors come forward to staff them. They fear having expensive "white elephant" Centres, unoccupied and unused.

In 1958, all eight family doctors of Clerkheaton in Yorkshire decided to form a Health Centre. They informed the government of their decision and asked for premises, but no progress was made until 1963. Only then, when the Divisional Medical Officer and the Public Health Department also asked for new headquarters, did building commence. For the past six years those departments, the doctors, a dental clinic, mothercraft classes, the Infant Welfare Department, an Antenatal Clinic and the town's Registrar of Births and Deaths have all been operating from the same premises.

Such centralisation has proved convenient in some respects, but patients who live on the outskirts of town must now travel considerable distances to reach a doctor.

At a six-doctor Centre which recently opened in Bedfordshire, a white-haired lady told me "Three miles is a long way to walk when you're not feeling well. The area is poorly served by public transport and even when I get here there's no guarantee I shall see my own doctor. I find the place very impersonal in comparison with the friendliness of the doctor's house. The carpetless floor and colour-washed walls give the place an institutional air."

Her neighbor whispered "It's the visiting arrangements that I object to. Previously I knew that my doctor would visit when I needed him, but now it could be any of the doctors who work here. In five consultations I haven't seen the same man twice. No doubt they all have access to my records but this constant change of medical adviser isn't very confidence-inspiring!"

Although patients at Health Centres still register with the doctor of their choice, each doctor in turn covers a different area for house-calls. There is no previous indication of which doctors are on duty during consulting hours and in some Centres the patient is not even told by whom he will be seen. "Wait outside door No. 4" could mean that it is a member of the practice on duty, a temporary assistant or even a locum.

In one Midland Centre I saw a determined-looking lady cause confusion in the appointment schedule by walking out when she caught a glimpse of the very young, shirt-sleeved doctor who would be treating her. Another woman nodded understandingly and said "I've often been too embarrassed to tell the reception clerk that I only care to see Dr. B., I take my turn but pretend I've only come about some trivial matter, then return in hopes of seeing Dr. B. a couple of days later. It was better when I could rely on seeing my own doctor every time."

A male patient in the same waiting room told me "I don't care for this method of working at all. If I get out of bed feeling unwell I want to see my doctor that morning.

I was given this appointment two days ago."

A providential downpour allowed me to get some unexpectedly frank comments from patients at a Centre near Brighton. People who had been reticent in the waiting room talked more freely in the covered approach while we waited together for the rain to ease-off.

A bowler-hatted gentleman commented "I have to use this Centre because all the doctors in the area have now closed their home-based offices, but I'm very much aware that the personal relationship has been lost. I know that doctors are busy people and it is not likely that my doctor remembered me in great detail, but at least I knew him, and as each interview progressed the rapport we had earlier established was renewed and developed. Now it's often a fellow I've never previously met and unless I ask him directly, or can make out the signature on his prescription, I don't even get to know with whom I've been discussing intimate aspects of my life. I feel like a case history rather than an individual."

The wife of a newly-retired Army Colonel, who had been attended only by Army doctors for the past 25 years said she was shocked at the deterioration in medical care under the NHS. "We used to hold the family doctor in great respect and affection; so the impersonal medicine practiced here comes as an unpleasant surprise. I get the impression that doctors now only deal with actual sickness, they're no longer interested in their patients as people."

Doctors working in Health Centres find it necessary to meet for a daily discussion about patients and administration. This makes for smooth working but it is time consuming. At a medical conference held recently in Oxford Dr. Fairlea, senior member of a 16-man Health Centre, said that when he worked alone, with only his wife as aide, he was able to commence his house calls immediately after the morning consulting session came to an end. Now he spends an hour conferring with other members of the practice and briefing the ancillary staff, which totals 17. Parkinson's law now operates fully at the Health Centre. The nurses think it beneath their dignity to make tea, so the juniors employed to do this and other small tasks swell the staff to a total which justifies a bookkeeper and a personal secretary.

Maintenance of the Health Centre is a frequent bone of contention. A GP in Cheshire showed me examination cubicle curtains tattered and threadbare from use. He told me "We have twice gone through the procedure of submitting long requisition forms in triplicate to the local authorities but we are still awaiting the curtains. When I worked from home my wife produced such things in a matter of hours."

Some doctors have come to feel that practicing medicine from a Health Centre is more like running a business than conducting a dedicated profession. They consider themselves entitled to observe office hours and at other times employ one of the several privately-run emergency services which have been set up in Britain (mainly staffed by junior hospital doctors using their off-duty time to augment income).

Undoubtedly Health Centres have lost the doctors working in them the image of family friend and adviser. Pooling resources enables doctors to afford better equipment and additional facilities, but do those things outweigh effects of the new type medicine being practiced from the Health Centres?

George Partridge, a recently retired Sussex GP described his first visit as a patient to the Health Centre which replaced the separate practices of himself and several other GPs. "I know that the furnishings alone cost ratepayers over $48,000, and the place is certainly very spick and span. Each patient is received by one of several officious clerks. If he has an appointment with Dr. X he is told to sit on a red chair and wait; if his appointment is with Dr. Y he is directed to a green chair. If one of Dr. X's patients inadvertently sits on a green chair he is ticked off as if he were a naughty child and made to feel he has committed an unforgivable social faux-pas. When his turn comes, the patient's name is bawled out by a loudspeaker."

Dr. Partridge sounded bitter when he described the case of a local fisherman who cut his leg while mooring a boat. The man struggled five miles to the new Health Centre but was refused treatment because he hadn't made a previous appointment.

While on a walking holiday in Scotland I developed a painful heel and took the opportunity to visit a Health Centre as a temporary patient. To avoid confusion among patients of the 12 doctors, colour coding was also used there. I was instructed to pass down an orange-linoleumed corridor until I reached a mauve door. On the way I met a man who remarked "We're like a lot of ants following trails so that scientists can use us for study. They'll be putting us on conveyor belts next."

Doctors working from Health Centres are increasingly being called the "nine to fivers" by their patients, and many of them have become aware that true involvement in patient-care is impossible under the impersonal conditions such Centres impose.

Dr. Paul Sharpe showed me a report from the Mental Health Officer who occupies an office in the same Centre. It was headed "re Patient No. 4796" and at no point in the context did the person's name appear. Dr. Sharpe said "Patients are becoming mere cyphers. Registration numbers, indentification digits and NHS numbers now figure so much in my work that I sometimes feel more like a mathematician than a physician."

Although it is now nearly 40 years since a British political party first talked about establishing Health Centres there still seems considerable doubt that they will ever come into country-wide operation.

At present Health Centres are still in the experimental stage, but there is no central agency for planning. No department of the Health Ministry has ever collected information about the Centres already built, let alone made any objective assessment of their performance. Until contraindication is available the trend is towards ever-larger Centres. One now being built in Middlesborough will house 21 GPs to take care of 62,000 patients. Several of the Centres planned for Glasgow will each be used by 25 practitioners and their patients.

Dr. Ditch of Wolverhampton wrote recently in a medical publication "While working on the Planning Committee 20 years ago I came to accept the view that the Health Centre was to be the linchpin of future general practice, but the more I have seen since, the less I believe that family medicine can be satisfactorily carried on through Health Centres . . . sophisticated equipment and the ever-accumulating mass of data only form part, and possibly a minor part, of what is demanded in the care of the patient . . . this can be provided only by a medical attendant fully conversant . . . with all aspects of the patient's life and readily available in need. It is a hopeful sign . . . that so many general practitioners have preferred to continue in individual practice."

Evidently most of the 17 doctors who went into occupation of a Durham Centre a few years ago agree with Dr. Ditch. Only four of them remain and they now work there on a part-time basis.

A doctor in Newcastle expressed his antipathy to the Health Centres: "Personal relationship is an important aspect of doctor-patient communication. It is necessary not only to see the condition but to know all the background of the patients, their trepidations, their attitudes to life, their special fears. You cannot know this if the patient may be seen by any doctor in the Health Centre practice. A proper personal service just cannot be given in this way."

CLEVELAND STATEMENT ON THE MANSFIELD AMENDMENTS

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, attempts by Congress to legislate an end to the war in Vietnam centered last spring on the Nedzi-Whalen amendment in the House and the McGovern-Hatfield amendment in the Senate. Since that time, Senator MANSFIELD has introduced two amendments with similar objectives. Last summer I voted against the first Mansfield amendment which had been tacked on to the draft extension bill in the Senate. The House and Senate conferees modified the Mansfield amendment and I voted for the amendment as it was modified.

The modified Mansfield amendment for which I voted emphasized the sense of Congress that the United States terminate at the earliest practicable date all U.S. military operations in Indochina and withdraw all U.S. military forces at a date certain subject to the release of all American prisoners of war and an accounting for all American missing in action. The modified Mansfield amendment also urged the establishment by negotiation of an immediate cease-fire.

It seems to me, Mr. Speaker, that the Senator from Montana should have been satisfied by the adoption of his modified amendment, but apparently he was not.

Now he has offered another amendment, this time to the military procurement bill. I am not sure in just what form this amendment will come to us for a vote or what the parlimentary situation will be. In reading over the debate in the Senate, I was particularly impressed with the remarks of Senator SMITH from Maine who opposed the amendment on the grounds that it would tie the hands of the President in his program for an orderly withdrawal of our forces from Vietnam.

MRS. SMITH also suggested the Mansfield amendment would be a slap in the face of the President.

The distinguished Senator from Maine pointed out that the amendment was hardly relevant to the military procurement bill and that a similar resolution is now being considered by the Senate Committee on Foreign Relations.

Mr. Speaker, last spring I commented at some length on Vietnam and the Nedzi-Whalen amendment. My remarks appeared in the RECORD, Thursday, June 17. Because much of what I said in connection with that amendment is relevant to present consideration of the latest Mansfield amendment, I will not repeat in detail those comments.

PHONY CHARGES

(Mr. DEVINE asked and was given permission to extend his remarks at this

point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, some of the left-wingers, not only in the media, but in public service as well, moan and cry about repression in our Nation. Obviously they piously are trying to mold and twist public opinion with emotional misinformation.

On August 1, 1971, former president of the American Bar Association, Lewis F. Powell, submitted an article entitled "Civil Liberties Repression: Fact or Fiction?" which treats this important matter accurately and objectively. I commend it to the attention of my colleagues and all others interested in preserving the traditional image of our great American society.

CIVIL LIBERTIES REPRESSION: FACT OR FICTION?

(By Hon. Lewis F. Powell, Former President of the American Bar Association, Richmond, Va.)

At a time when slogans often substitute for rational thought, it is fashionable to charge that "repression" of civil liberties is widespread. This charge—directed primarily against law enforcement—is standard leftist propaganda. It is also made and widely believed on the campus, in the arts and theater, in the pulpit, and among some of the media. Many persons genuinely concerned about civil liberties thus join in promoting or accepting the propaganda of the radical left.

A recent syndicated article by Associated Press writer Bernard Gavzer cited several such persons. According to Prof. Charles Reich of Yale, America "is at the brink of . . . a police state." Prof. Allan Dershowitz of Harvard decries the "contraction of our civil liberties."

The charge of repression is not a rifle shot at occasional aberrations. Rather, it is a sweeping shotgun blast at "the system," which is condemned as systematically repressive of those accused of crime, of minorities, and of the right to dissent.

Examples ritualistically cited are the "plot" against Black Panthers, the indictment of the Berrigans, the forthcoming trial of Angela Davis, and the mass arrests during the Washington Mayday riots.

The purpose of this article is to examine, necessarily in general terms, the basis for the charge of repression. Is it fact or fiction?

There are, of course, some instances of repressive action. Officials are sometimes overzealous; police do employ unlawful means or excess force; and injustices do occur even in the courts. Such miscarriages occur in every society. The real test is whether these are episodic departures from the norm, or whether they are, as charged, part of a system of countenanced repression.

The evidence is clear that the charge is a false one. America is not a repressive society. The Bill of Rights is widely revered and zealously safeguarded by the courts. There is in turn no significant threat to individual freedom in this country by law enforcement.

Solicitor General Griswold, former dean of the Harvard Law School and member of the Civil Rights Commission, recently addressed this issue in a talk at the University of Virginia. He stated that there is greater freedom and less repression in America than in any other country.

So much for the general framework of the debate about alleged repression. What are the specific charges?

The attack has focused on wiretapping. There seems almost to be a conspiracy to confuse the public. The impression studiously cultivated is of massive eavesdropping and snooping by the FBI and law enforcement agencies. The right of privacy, cherished by all, is said to be widely threatened.

Some politicians have joined in the chorus of unsubstantiated charges. Little effort is made to delineate the purposes or the actual extent of electronic surveillance.

THE FACTS

The facts, in summary, are as follows. The Department of Justice employs wiretapping in two types of situations: (1) against criminal conduct such as murder, kidnaping, extortion, and narcotics offenses; and (2) in national security cases.

Wiretapping against crime was expressly authorized by Congress in 1968. But the rights of suspects are carefully safeguarded. There must be a prior court order issued only upon a showing of probable cause. The place and duration are strictly controlled. Ultimate disclosure of the taps is required. There are heavy penalties for unauthorized surveillance. Any official or FBI Agent who employs a wiretap without a court order in a criminal case is subject to imprisonment and fine.

During 1969 and 1970, such Federal wiretaps were employed in only 309 cases. More than 900 arrests resulted, with some 500 persons being indicted—including several top leaders of organized crime.

The Government also employs wiretaps in counterintelligence activities involving national defense and internal security. The 1968 act left this delicate area to the inherent power of the President.

CURRENT MYTHS

Civil libertarians oppose the use of wiretapping in all cases, including its use against organized crime and foreign espionage. Since the 1968 act, however, the attack has focused on its use in internal security cases and some courts have distinguished these from foreign threats. The issue will be before the Supreme Court at the next term.

There can be legitimate concern whether a president should have this power with respect to internal "enemies." There is, at least in theory, the potential for abuse. This possibility must be balanced against the general public interest in preventing violence (e.g., bombing of Capitol) and organized attempts to overthrow the Government.

One of the current myths is that the Department of Justice is usurping new powers. The truth is that wiretapping, as the most effective detection means, has been used against espionage and subversion for at least three decades under six Presidents.

There may have been a time when a valid distinction existed between external and internal threats. But such a distinction is now largely meaningless. The radical left, strongly led and with a growing base of support, is plotting violence and revolution. Its leaders visit and collaborate with foreign Communist enemies. Freedom can be lost as irrevocably from revolution as from foreign attack.

The question is often asked why, if prior court authorization to wiretap is required in ordinary criminal cases, it should not also be required in national security cases. In simplest terms the answer given by government is the need for secrecy.

Foreign powers, notably the Communist ones, conduct massive espionage and subversive operations against America. They are now aided by leftist radical organizations and their sympathizers in this country. Court-authorized wiretapping requires a prior showing of probable cause and the ultimate disclosure of sources. Public disclosure of this sensitive information would seriously handicap our counterespionage and countersubversive operations.

As Attorney General John Mitchell has stated, prohibition of electronic surveillance would leave America as the "only nation in the world" unable to engage effectively in a wide area of counterintelligence activities necessary to national security.

Apparently as a part of a mindless campaign against the FBI, several nationally known political leaders have asserted their wires were tapped or that they were otherwise subject to surveillance. These charges received the widest publicity from the news media.

FALSE CHARGES

The fact is that not one of these politicians has been able to prove his case. The Justice Department has branded the charges as false.

The outcry against wiretapping is a tempest in a teapot. There are 210 million Americans. There are only a few hundred wiretaps annually, and these are directed against people who prey on their fellow citizens or who seek to subvert our democratic form of government. Law-abiding citizens have nothing to fear.

In the general assault on law enforcement, charges of police repression have become a reflexive response by many civil libertarians as well as by radicals.

Examples are legion. Young people are being incited not to respect law officers but to regard them as "pigs." Black Panther literature, in the vilest language, urges the young to assault the police.

The New York Times and the Washington Post reported, as established fact, that 28 Panthers had been gunned down by police since January 1968. Ralph Abernathy attributed the death of Panther leaders to a "calculated design of genocide." Julian Bond charged that Panthers are being "decimated by police assassination arranged by the federal police apparatus." Even Whitney Young referred to "nearly 30 Panthers murdered by law enforcement officials."

These charges, upon investigation (by the New Yorker magazine, among others) turned out to be erroneous. The fact is that two—possibly four at most—Panthers may have been shot by police without clear justification. Many of the 28 Panthers were killed by other Panthers. There is no evidence whatever of a genocide conspiracy.

But the truth rarely overtakes falsehood—especially when the latter is disseminated by prestigious newspapers. Millions of young Americans, especially blacks, now believe these false charges. There is little wonder that assaults on police are steadily increasing.

The latest outcry against law enforcement was provoked by the mass arrests in Washington on May 3. Some 20,000 demonstrators, pursuant to carefully laid plans, sought to bring the Federal Government to a halt.

This was unlike prior demonstrations in Washington, as the avowed purpose of this one was to shut down the Government. The mob attempted to block main traffic arteries during the early morning rush hours. Violence and property destruction were not insignificant. Some 39 policemen were injured. Indeed, Deputy Attorney General Kleindienst has revealed that the leaders of this attack held prior consultations with North Vietnamese officials in Stockholm.

Yet, because thousands were arrested, the American Civil Liberties Union and other predictable voices cried repression and brutality. The vast majority of those arrested were released, as evidence adequate to convict a particular individual is almost impossible to obtain in a faceless mob.

The alternative to making mass arrests was to surrender the Government to insurrectionaries. This would have set a precedent of incalculable danger. It also would have allowed a mob to deprive thousands of law-abiding Washington citizens of their rights to use the streets and to have access to their offices and homes.

SHEER NONSENSE

Those who charge repression say that dissent is suppressed and free speech denied. Despite the wide credence given this assertion, it is sheer nonsense. There is no more open society in the world than America. No other press is as free. No other country accords its writers and artists such untram-

meled freedom. No Solzhenitsyns are persecuted in America.

What other government would allow the Chicago Seven, while out on bail, to preach revolution across the land, vastly enriching themselves in the process?

What other country would tolerate in wartime the crescendo of criticism of government policy? Indeed, what other country would allow its citizens—including some political leaders—to negotiate privately with the North Vietnamese enemy?

Supreme Court decisions sanctify First Amendment freedoms. There is no prior restraint of any publication, except possibly in flagrant breaches of national security. There is virtually no recourse for libel, slander, or even incitement to revolution.

The public, including the young, are subjected to filth and obsenities—openly published and exhibited.

The only abridgment of free speech in this country is not by government. Rather, it comes from the radical left—and their bemused supporters—who do not tolerate in others the rights they insist upon for themselves.

Prof. Herbert Marcuse of California, Marxist idol of the New Left, freely denounces "capitalist repression" and openly encourages revolution. At the same time he advocates denial of free speech to those who disagree with his "progressive" views.

It is common practice, especially on the campus, for leftists to shout down with obscenities any moderate or conservative speaker or physically to deny such speaker the rostrum.

A recurring theme in the repression syndrome is that Black Panthers and other dissidents cannot receive a fair trial.

The speciousness of this view has been demonstrated recently by acquittals in the New Haven and New York Panther cases—the very ones with respect to which the charge of repression was made by nationally known educators and ministers.

RIGHTS SAFEGUARDED

The rights of accused persons—without regard to race or belief—are more carefully safeguarded in America than in any other country. Under our system the accused is presumed to be innocent; the burden of proof lies on the state; guilt must be proved beyond reasonable doubt; public jury trial is guaranteed; and a guilty verdict must be unanimous.

In recent years, dramatic decisions of the Supreme Court have further strengthened the rights of accused persons and correspondingly limited the powers of law enforcement. There are no constitutional decisions in other countries comparable to those rendered in the cases of Escobedo and Miranda.

Rather than "repressive criminal justice," our system subordinates the safety of society to the rights of persons accused of crime. The need is for greater protection—not of criminals but of law-abiding citizens.

A corollary to the "fair trial" slander is the charge that radicals are framed and tried for political reasons. This is the worldwide Communist line with respect to Angela Davis. Many Americans repeat this charge against their own country, while raising no voice against standard practice of political and secret trials in Communist countries.

The radical left, with wide support from the customary camp followers, also is propagandizing the case of the Berrigans.

The guilt or innocence of these people remains to be determined by juries of their peers in public trials. But the crimes charged are hardly "political." In the Davis case a judge and three others were brutally murdered. The Berrigans, one of whom stands convicted of destroying draft records, are charged with plots to bomb and kidnap.

Some trials in our country have been politicized—but not by government. A new technique, recently condemned by Chief Justice Warren Burger, has been developed by the Kunstlers and others who wish to discredit and destroy our system. Such counsel and defendants deliberately seek to turn courtrooms into Roman spectacles—disrupting the trial, shouting obscenities and threatening violence. It is they—not the system—who demean justice.

The answer to all of this was recently given by former California Chief Justice Roger J. Traynor, who said:

"It is irresponsible to echo such demagogic nonsense as the proposition that one group or another in this country cannot get a fair trial. . . . No country in the world has done more to insure fair trials."

America has its full share of problems. But significant or systematic government repression of civil liberties is not one of them.

The radical left—expert in such matters—knows the charge of repression is false. It is a cover for leftist-inspired violence and repression. It is also a propaganda line designed to undermine confidence in our free institutions, to brainwash the youth, and ultimately to overthrow our democratic system.

It is unfortunate that so many non-radical Americans are taken in by this leftist line. They unwittingly weaken the very institutions of freedom they wish to sustain. They may hasten the day when the heel of repression is a reality—not from the sources now recklessly defamed but from whatever tyranny follows the overthrow of representative government.

This is the greatest danger to human liberty in America.

WHERE SHOULD STUDENTS VOTE?

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, on July 22, 1971, I introduced House Joint Resolution 801, and to date it has not been set for hearings. Meanwhile, across the country State supreme courts, legislatures, and attorney generals are making rulings relative to voting places for college students. Not, however, with any consistency.

In connection with this overall problem, I am submitting an editorial which appeared in the Barnsville Enterprise entitled "Where Should Students Vote?" The editorial follows:

WHERE SHOULD STUDENTS VOTE?

"Taxation without representation is tyranny" are words attributed to James Otis, a Massachusetts statesman of pre-Revolutionary War days. This is not what he actually said, but as expressed here it became the battle cry of American colonists.

Reverse Otis' words to read: "Representation without taxation is . . ." well, what would you say it is? We can think of a lot of words to end his saying, none of them reassuring.

But representation without taxation is what the current stampede to allow college students to vote in college town elections instead of their home towns amounts to. We think this has built-in perils.

Here in Ohio taxpaying residents in such places as Oxford, Kent, Athens, Bowling Green, Oberlin, to name only a few, would be very much in the minority if their temporary student residents voted. They could very well be the deciding factor on such local issues as tax levies, bond issues and other questions which taxpayers would have to pay for many years after the students have departed.

Under Ohio laws, it involves very little trouble for students to vote in any election. A request for an application for an absent voter's ballot; filing the application with the board of election; marking the ballots and mailing them back, this is all that is required. Many could even avoid this by voting at the board of elections while home.

Hundreds of men in the service of their country have been voting by mail ever since we have had an absent voter's law. Do college students deserve to have it easier or more conveneint then men in uniform?

The nation, the state and the county need the student vote. Elections will be improved by their participation. Most of all, there home towns need their intelligent votes. This is where the money that keeps them in college comes from, and this is where their vote belongs.

More important than this, however, is the threat that longtime taxpaying residents of college towns will, in effect, lose their votes on issues affecting their best interests by being overwhelmed by the votes of students with no roots in the local community.

RURAL SOLUTION TO URBAN PROBLEMS

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, an annual report from Administrator James V. Smith of the Farmers Home Administration invites attention to the growing importance of rural development as an influence on the solution of urban problems.

My congressional district in the heart of Ohio ranges from the city of Columbus into rural territory two counties to the north. Until recent times, conditions of living contrasted visibly between the city and the outlying areas. Where urban services ran out, the prevailing quality of homes began to decline. Small towns were fading. Farms were disappearing.

Today, an upswing is apparent in the countryside not associated with the spread of suburbia. Bright new homes are becoming more noticeable in small towns and on the rural landscape.

This gradual but quickening transformation appears to be born of a new appreciation of rural environment as a place to live, plus new resources that are being made available to create essentially modern conditions in rural areas. A major factor is credit programs for housing and community facilities developed through the good offices of the Farmers Home Administration.

Housing credit, once a scarce commodity in rural areas, is now in better supply because a massive new home financing system has been created in the past 2 years from once inadequate FHA programs. Not only in the countryside but in rural towns of up to 10,000, families who live on low or modest incomes can get housing credit now through county offices of Farmers Home if no other credit is available.

Families of this income bracket who struggle for survival in obsolete sections of cities may find that a fully modern home is within their reach of ownership, at the lower costs prevailing out beyond the urban boundaries.

In rural sections of our district, this housing program is beginning to roll. More than one-third of the 240 homes, the $3.1 million of housing credit FHA has underwritten over the years is ac-

counted for in Farmers Home's report on activity during the year just past.

Modernization of public services such as water and sewer systems also is part of the rural program administered by Farmers Home. Delaware County of my district has in prospect two large rural water systems, combining service to smaller towns and the open country, that can be built with about $5.5 million in FHA loan financing. Morrow County has been assisted by the agency in surveying prospects for countrywide water and waste disposal services.

These advances will satisfy one of the prerequisites for modern home and community development long lacking in so many rural areas.

The dissolution of an urban problem area through good new rural community development can be a gain for all concerned, and a step forward for the city and its supporting territory.

Farmers Home's increasingly important work in the rural sections of our district is a credit to the leadership of Administrator Smith and his Ohio organization headed by State Director Lester M. Stone. They are making an invaluable contribution to the greater Columbus area.

THE NINTH DISTRICT OF NEW JERSEY—SEVENTH ANNUAL QUESTIONNAIRE

(Mr. HELSTOSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HELSTOSKI. Mr. Speaker, each year I have sent a questionnaire to the residents of the Ninth Congressional District of New Jersey, the district which I have the privilege and honor to represent, soliciting their views and opinions on various issues confronting our Nation.

This year, I sent my seventh annual questionnaire to the 160,000 households in the Ninth Congressional District. The volume of response to the 1971 questionnaire, which 26,572 replies, has been most gratifying. This, I feel, indicates the widespread interest the residents of the Ninth District have in the problems facing us today.

The annual questionnaire method of sampling my constituents' opinions continues to be an effective means for district residents to convey their views on major issues. I employ this method because I want my constituents' reflections about matters we are aware of as Members of Congress.

Through extensive sampling, I was able to obtain a good index of prevailing opinion in my district. This knowledge is an invaluable aid in helping me to formulate my judgments in the legislative considerations of Congress.

The enthusiastic response indicates that my constituents are concerned about their Government. In submitting answers to my questionnaire, many constituents attached detailed letters to explain the positions they took on issues and problems. Others placed concise and cogent remarks on their questionnaires. During our August recess, I had the opportunity to read each questionnaire sent to me with additional responses: I found an acute awareness of the work that must be done not only at the Federal level, but at all levels of government, to get our Nation moving.

All of the responses have now been tabulated. I shall send a copy of the results to every household in the Ninth District so that my constituents may compare their individual views with the consensus of opinion of district residents.

Tabulating the questionnaires required a tremendous amount of effort. I wish to extend my thanks publicly for the wonderful cooperation of the many volunteers and members of my staff who spent countless hours completing this tabulation.

At the conclusion of these remarks, I will insert in the RECORD a numerical summary of the responses to the 21 questions I posed, but at this point I wish to call your attention to some of the significant reactions to several important issues:

Over the years from 1966, it has become increasingly apparent that our involvement in the war in Southeast Asia was losing the support of the American public. A majority of my constituents have consistently expressed support for a greater emphasis on peace initiatives and for the inclusion of the National Liberation Front in arriving at a settlement of the conflict. By 1969, over three-quarters of those responding favored our withdrawal from Vietnam for a mutual cease-fire agreement. Last year, the questionnaire was sent shortly after the Cambodian invasion commenced, and considerable dissatisfaction with the administration's handling of the war was evidenced as 62.5 percent of my constituents responding supported the Cooper-Church amendment, and 53 percent favored complete withdrawal of our military forces. These feelings culminate now in the view held by 51.7 percent of the people of the Ninth Congressional District in asking the administration to set a firm deadline of December 31, 1971, for complete withdrawal of American troops. I might point out that the time the questionnaire was mailed, the one-candidate election in South Vietnam on October 3 had not been held.

The fourth question was included to gage district opinion on the issue of continuing or abolishing the Selective Service System. The results showed that the majority—52.1 percent—was of the opinion that the draft should be replaced by an all-volunteer military force, a view I supported in Congress. It is interesting to recall that a 1-year extension of the draft lost by only two votes in the House of Representatives this past spring.

Another subject receiving great attention in the press and in Congress is health care, as we find our Nation, compared to the world, rated approximately 18th in the quality of health-care services. About 55 percent of the responses favored the establishment of a national health care insurance plan which would include dental coverage.

Reaction to the President's revenue sharing proposal was quite mixed, with 39.9 percent in favor, 44.2 percent opposed, and 15.8 percent undecided. As an alternative, it was asked whether my constituents would prefer the Federal Government to take over the operation and funding of the 50 States present welfare programs. The latter proposal received wider approval, with 55.2 percent in favor, 33 percent opposed, and 11.7 percent undecided.

The President's plan to provide a federally guaranteed income for every family, with some State financial participation, was favored by 39.1 percent, opposed by 44.7 percent, and 16.2 percent were undecided.

I asked if my constituents would favor or oppose the setting of wage, price, and interest controls. Two-thirds responded in the affirmative; however, it is extremely important to note that interest controls were incorporated in the question. Obviously, the public was aware of the need for such controls as early as May and June; yet, it appears that district residents had an equitable structure of controls in mind. From the volume of mail I have received, I feel such that the current situation, with various wage and salary contracts being negated by the Presidential directives, would not have garnered such support.

Concern for our environment was strongly demonstrated in the responses. The vast majority—84.6 percent—believed that an organization with the structure and form of the Delaware River Port Authority or the Port of New York Authority should be created to restore and maintain the Passaic River Basin. To use the Passaic River as a model river was an administration consideration, but unfortunately, subsequently rescinded.

This interest in the environment was also shown in the last section of the questionnaire, which presented five major problems—inflation, unemployment, crime, pollution, and the Vietnam war—and requested the respondent to number these in order of importance. Pollution was given top priority by my district, as 23 percent of the respondents registered that view. Unemployment—22.75 percent—and the Vietnam war—20 percent—followed. Crime was rated first by 18 percent. Inflation was considered the most pressing problem by 15 percent.

Under the priorities section, a number of unsolicited additional comments were made. Below are those added priorities listed by at least 5 percent of those responding, in order of frequency, as being of primary importance:

LIST OF PRIORITIES

1. Drug abuse and rehabilitation problems.
2. The need for welfare reform.
3. Questionable credibility of administration.
4. Insufficient mass transit.
5. Corruption in Government.
6. Supreme Court decisions too lenient.
7. Lack of housing and oppressive rent increases.
8. Rising tax (including local property) burden.
9. Care for the elderly.
10. Infringement of civil liberties.
11. Inadequate anti-trust law enforcement.
12. Union abuses.
13. Excessive military expenditures.
14. Doctor shortage.
15. Population explosion.

The following is the completed questionnaire tabulation:

1971 LEGISLATIVE QUESTIONNAIRE

[Congressman Henry Helstoski, 9th District, New Jersey]

	Favor	Oppose	Undecided
1. Do you favor or oppose setting a firm deadline of Dec. 31, 1971, for complete withdrawal of all U.S. troops from Southeast Asia?	51.7	41.6	6.6
2. Do you favor or oppose the reducing of our military troop commitment in Europe?	69.0	23.9	7.1
3. Do you favor or oppose the elimination of the selective service draft within 1 year with reliance placed on recruiting an all-volunteer military force through higher wages and greater fringe benefits?	52.1	37.3	10.6
4. Do you favor or oppose continuation of the system of granting selective service draft deferments to those attending college until they complete 4-year courses of study?	59.8	34.9	5.2
5. Do you favor or oppose the Social Security Act amendments that would among other things increase benefit payments by 5 percent; provide for cost-of-living increases in benefit payments; increase the present work earnings limitation from $1,680 to $2,000 a year; extend medicare coverage to those receiving disability benefit payments?	86.6	8.9	4.4
6. Do you favor or oppose establishment of a national health insurance plan for all people to be financed by increased social security taxes?	54.5	34.7	10.7
7. Do you favor or oppose a proposal to have dental care covered in a national health insurance program?	56.0	34.0	9.9
8. Do you favor or oppose setting of wage, price, and interest controls to combat inflation?	66.7	22.5	10.8
9. Do you favor or oppose a temporary program of providing public service jobs for the unemployed because of present high unemployment?	80.7	11.4	7.8
10. Do you favor or oppose the President's proposal for general revenue sharing whereby the Federal Government would distribute a share of Federal revenues to States and local governments with little or no restrictions on their use?	39.9	44.2	15.8
11. As an alternative to the President's revenue sharing proposal, would you favor or oppose the Federal Government taking over the operation and funding of the 50 States' present welfare programs?	55.2	33.0	11.7
12. Did you favor or oppose the action of Congress in withdrawing government financial support for development of the supersonic transport (SST)?	59.7	31.9	8.3
13. Do you favor or oppose establishment of a Federal Government lottery, similar to the one operating in New Jersey, with proceeds from it placed in a trust fund for fighting all forms of environmental pollution?	69.5	22.7	7.8
14. Do you favor or oppose proposals to exempt from income taxes winnings from government-operated lotteries?	52.6	41.0	6.3
15. Do you favor or oppose pending legislation which would require Federal protection of endangered species of animals, ocean mammals (e.g. seals, porpoises, whales) and free-roaming horses?	93.2	2.8	3.9
16. The State of New Jersey plans to construct a horse racing track in southern Bergen County. Do you favor or oppose this plan?	43.1	41.5	15.3
17. Do you favor or oppose admission of mainland China to the United Nations?	62.7	23.8	13.4
18. Do you favor or oppose the President's proposal for a federally guaranteed income for every family with some State participation in the cost of the program?	39.1	44.7	16.2
19. Do you favor or oppose creation of a no-fault automobile insurance program?	60.8	19.1	20.0
20. Would you favor or oppose creation of an organization such as the Delaware River Port Authority or the Port of New York Authority to clean up the Passaic River Basin, restore it, develop and maintain it in 1st-class condition?	84.6	6.5	8.8

21. In your opinion what are the most pressing problems facing our Nation? (Please number in order of importance):

(a) Inflation	15.0
(b) Unemployment	22.75
(c) Crime	18.0
(d) Pollution	23.0
(e) Vietnam War	20.0
Other	1.25

MARTZ COUPLE CELEBRATE THEIR 79TH WEDDING ANNIVERSARY

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, 79 years ago today, George C. Martz, then 21, and Annie Huber of Shannondale, Pa., were joined in matrimony. The Mayport, Pa., couple, now at a combined age of 202 years, are today marking a rare milestone in marital longevity.

With the exception of a few child marriages of long ago, the area couple is in select ranks of those boasting long marriage records. I know the Martz couple hold the Pennsylvania record, but according to the statistics I have been able to find, Annie and George Martz hold the U.S. record, also.

After their marriage, Mr. and Mrs. Martz moved to a Mayport area farm which had been purchased by Mr. Martz from his father, Benjamin, who originally had secured it from an old land company for $1.50 an acre in the early 1830's. The couple has remained on the farm since that time, and in earlier years they made their living from tilling the soil. That homestead is now owned and operated by a son, Frank, with whom they are living.

Mrs. Martz celebrated her 102d birthday on June 5, and 20 days later her husband reached the century mark.

Seven children were born to the couple six of whom survive. They are Frank; Miss Mable Martz and Miss Jennie Martz, both at home; Fred Martz of Oil City; Mrs. Harry Young of Punxsutawney; and Harry Martz of Clarion.

I know my colleagues join with me in extending hearty congratulations to Mr. and Mrs. Martz on their 79th wedding anniversary, and in wishing them many more years of happiness.

ONLY SICK PEOPLE NEED DRUGS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, I would like to take a few minutes today to commend Attorney General John Mitchell, his Director of the Bureau of Narcotics and Dangerous Drugs, Mr. John E. Ingersoll, and all their associates and assistants who were responsible for planning and developing the excellent publication, "Katy's Coloring Book About Drugs and Health." Only sick people need drugs is the extremely important message emphasized over and over again, in language and pictures a child can understand; and beyond that, it graphically illustrates that well people who foolishly take drugs for fun can only become sick.

This publication is designed for the young coloring book set, and I believe this is really the right age to initiate this type of awareness. The benefits which accrue to the people from such a project can be measured in millions of dollars when you consider the vast sums spent on after-the-fact drug abuse programs. But there is no way at all to place a dollar value on the incalculable benefits which are inherent in early prevention—the heartaches and misery that parents and other loved ones will be spared, and the great benefits to the country when these young people are able to assume their proper places and meet their responsibilities in adult life, instead of becoming a burden and menace to society through drug addiction.

Mr. Speaker, the encouragement of an antidrug culture cannot be started at too early an age—we should attack this evil at all ages—and again, I commend the officials responsible for this valuable contribution to our fight against what has become one of our Nation's most serious problems.

REVERSE PRIORITIES ON TAXES

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, I opposed H.R. 10947, the Revenue Act of 1971. This legislation, intended to implement the President's tax proposals, is based on the fallacious theory that a massive tax giveaway to big business will somehow trickle down and ultimately benefit the working people of this country. This approach has not worked in the past, and it will not work now. Rather, the real needs of the American public will suffer.

The so-called job development features of this bill are, in fact, nothing more than profit boosters to big business. The economy would be better served by financing job programs, providing a guaranteed annual income, and aiding our beleaguered cities. These benefits would go directly to those hurt most by unemployment and inflation—the poor and local government.

Yet this bill would drastically slash the money available to the Federal Government over the next decade—money that is desperately needed to meet our social programs. This loss of revenue averages over $9 billion every year for the next 10 years. To put this in perspective, $9 billion is roughly three times the amount the Federal Government will spend on elementary and secondary education during this entire fiscal year.

The 7-percent investment tax credit will have virtually no influence on business investments absent an increase in consumer demand. It will not spur investment nor create new jobs. Rather, it will increase profits at a time, when workers' wages are frozen.

A system of tax deferral for the Domestic International Sales Corporation—DISC—and its shareholders is at best

inefficient and at worst another tax loophole to aid big business while neither adding jobs nor improving the balance of trade.

Even the accelerated tax cuts favor the wealthy taxpayer.

In sum, the Revenue Act of 1971 is a bonanza to big business with the American people picking up the tab—in terms of abandoned social programs and in continuous inflationary pressure.

At this point I include in the RECORD an editorial that appeared in the New York Times of October 6 on the reverse priorities of this legislation. I commend it to my colleagues:

REVERSE PRIORITIES ON TAXES

The tax bill the House of Representatives will vote on today is an improvement on the legislation originally sought by President Nixon, but it remains a bill that has its priorities all wrong.

Advertised as a bill to spur the economy to full employment, it gives its biggest tax cuts to industry for the sake of boosting investment in new plant and equipment. While industry is still operating at less than three-fourths of capacity, it seems highly dubious that the combination of accelerated depreciation and a restored 7 per cent tax credit will do much to speed the return to full employment.

An approach which focused upon providing more tax relief for lower and middle-income taxpayers would provide more immediate thrust to the economy—and, with rising rates of capacity utilization and higher earnings, industry could be counted on to increase outlays on new plant and equipment.

There is no need to tilt the economy's use of resources toward more capital spending; one of the underlying causes of the persistent sluggishness of the American economy has been the hangover of excess capacity created during the investment boom of the 1960's.

Chairman Wilbur Mills and the Ways and Means Committee have somewhat altered the grossly unfair balance in the bill toward the corporations and the rich and against the poor and lower-income taxpayers. While approving most of the Administration's faster tax write-offs, they have scaled down tax cuts to the corporations by $1.7 billion in 1972. At the same time, they have increased tax cuts to low-income taxpayers by about $1 billion through an increase in the minimum standard deduction.

However, even in the field of individual taxes, the bulk of the cuts is not focused on those in the lower income brackets. For instance, the 7 per cent cut in automobile excise taxes obviously goes only to those who can afford a new car. Increases in personal exemptions give more of a tax break to upper-income families than to lower.

Unquestionably, the economy needs fiscal stimulus to help it return to full employment. It is too early to be sure that the House tax bill provides enough stimulus. Many economic forecasters do expect the economy to surge ahead next year, but the recovery is still sluggish. If the fourth quarter does not show a much stronger rise, Congress should consider postponing the $7.5-billion increase in Social Security taxes scheduled for Jan. 1, which would wipe out most of the personal income tax reductions in the new bill.

The hallmark of good tax legislation at this time would have been a measure that would give the economy a strong boost to counteract unemployment but that would not permanently erode the Federal tax base. The bill before Congress fails to meet this test on two counts: It gives a relatively mild short-term boost to the economy and causes a large permanent loss of tax revenues over the long run. The nation will pay the price in truncated or abandoned social programs and in continuous inflationary pressure.

SUPPORT SOVIET JEWRY

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, it is extremely gratifying to learn that the administration has taken a significant step toward recognizing the plight of Soviet Jewry, and acting to evince U.S. opposition to their oppression. By letter of September 30, 1971, Attorney General Mitchell has informed the distinguished chairman of the Judiciary Committee (Mr. CELLER), on which I sit, and the distinguished chairman of the Subcommittee on Immigration of that committee (Mr. RODINO), on which I also sit, that he will exercise his parole authority to enable the entrance into this country of Soviet Jews.

Much credit for this action must be given to our distinguished colleague from New York (Mr. KOCH), who is the chief sponsor of H.R. 5606, the Soviet Jews Relief Act. As a cosponsor of this bill, and as a member of the Judiciary Committee subcommittee directly concerned with the emigration ban imposed on Soviet Jewry, I can attest to his efforts, as well as to those of our distinguished colleagues from Illinois (Mr. MIKVA and Mr. YATES).

In addition, the efforts of the distinguished chairman (Mr. CELLER) and subcommittee chairman (Mr. RODINO) of the Judiciary Committee have been enormously important. I would note that I joined in cosponsoring House Concurrent Resolution 245, which the distinguished gentleman from New Jersey (Mr. RODINO) introduced, expressing the sense of the Congress that the President shall take immediate and determined steps to encourage and persuade the Soviet Union to permit persons of the Jewish faith who express the desire to immigrate to a country of their choice to do so.

However, I fear that the plight of Soviet Jewry will persist, despite this action taken by the administration. An organized program of cultural and religious repression has been undertaken by the Soviet Union, with the aim being the destruction of the Jewish identity of its 3 million Jewish inhabitants. That program's grip is tightened by the refusal of the Soviet authorities to allow more than a bare trickle of emigres, despite the thousands who wish to leave the Soviet Union.

An additional step which must be taken, and one which the administration still refuses to act affirmatively on, is my legislation—House Resolution 454 and companion bills—expressing the sense of the Congress that the Voice of America should undertake broadcasts in the Yiddish language into the Soviet Union. As of today, 100 Members of the House have joined me in cosponsoring this resolution. In addition, since my initial introduction of House Resolution 454, Senators TUNNEY, CASE, BUCKLEY, and 19 of their colleagues have introduced the same resolution in the other body.

By broadcasting in the Yiddish language into the Soviet Union, we can bring to Soviet Jewry tangible support for their cause. Even for those who do not speak this language so basic to European Jewish culture, the very fact of the broadcasts can provide enormous psychological support.

Thus, in light of the administration's action with regard to exercise of the parole authority to admit those Soviet emigres who might manage to leave the Soviet Union, I call upon the administration to act affirmatively in support of House Resolution 454.

ANNOUNCEMENT OF HEARINGS ON THE FEDERAL GOVERNMENT'S ROLE IN THE ACHIEVEMENT OF EQUAL OPPORTUNITY IN HOUSING

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, I would like to announce that the Civil Rights Oversight Subcommittee of the House Committee on the Judiciary will hold a series of public hearings on the Federal Government's role in the achievement of equal opportunity in housing. These hearings will commence with testimony from the U.S. Department of Housing and Urban Development on October 20, 1971, and from the General Services Administration and the U.S. Commission on Civil Rights on October 21, 1971, at 10 a.m. each day in room 2141 of the Rayburn House Office Building. Public witnesses will be scheduled to testify at later dates.

Those wishing to testify or to submit statements for the record should address their requests to the Committee on the Judiciary, U.S. House of Representatives, Room 2137, Rayburn House Office Building, Washington, D.C. 20515.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BYRNE of Pennsylvania, for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MICHEL, for 15 minutes, tomorrow, and to revise and extend his remarks and include extraneous matter.

Mr. ARENDS (at the request of Mr. GERALD R. FORD), for 60 minutes, tomorrow, Thursday, to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. FRENZEL) to revise and extend their remarks and include extraneous material:)

Mr. MILLER of Ohio, for 1 hour, October 7.

Mr. CONABLE, for 1 hour, October 12.

Mr. KEMP, for 15 minutes, today.

Mr. ASHBROOK, for 30 minutes, today.

Mr. BELL, for 15 minutes, today.

Mr. BOW, for 5 minutes, today.

(The following Members (at the request of Mr. BURLISON of Missouri) to revise and extend their remarks and include extraneous material:)

Mr. ASPIN, for 45 minutes, today.
Mr. GONZALEZ, for 10 minutes, today.
Mr. SHIPLEY, for 10 minutes, today.
Mr. DENT, for 10 minutes, today.
Mr. FLOOD, for 10 minutes, today.
Mr. REUSS, for 10 minutes, today.
Mr. FULTON of Tennessee, for 10 minutes, today.
Mr. DANIELSON, for 5 minutes, today.
Mr. DULSKI, for 10 minutes, today.
Mr. PURCELL, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. WIGGINS (at the request of Mr. FRENZEL) his remarks immediately following the remarks of Mrs. HECKLER of Massachusetts during general debate in the Committee of the Whole today.

(The following Members at the request of Mr. FRENZEL and to include extraneous material:)

Mr. BROYHILL of Virginia in two instances.
Mr. EDWARDS of Alabama.
Mr. WYMAN in two instances.
Mr. SCHWENGEL.
Mr. DERWINSKI in three instances.
Mr. PETTIS.
Mr. ANDERSON of Illinois.
Mr. WYLIE.
Mr. YOUNG of Florida in five instances.
Mr. TERRY.
Mr. PRICE of Texas in three instances.
Mr. HOSMER in two instances.
Mr. STEIGER of Arizona.
Mr. SCHNEEBELI.
Mr. STEIGER of Wisconsin in two instances.
Mr. FULTON of Pennsylvania.
Mr. MCDONALD of Michigan.
Mr. MIZELL in five instances.
Mr. ASHBROOK.
Mr. FINDLEY.
Mrs. HECKLER of Massachusetts in three instances.
Mr. BAKER in two instances.
Mr. GUDE.
Mr. SCHMITZ in two instances.
Mr. COUGHLIN in six instances.
Mr. HUNT.

(The following Members (at the request of Mr. BURLISON of Missouri) and to revise and extend their remarks and include extraneous matter:)

Mr. MCFALL in two instances.
Mr. DINGELL in two instances.
Mr. GONZALEZ in three instances.
Mr. HAGAN in three instances.
Mr. RARICK in five instances.
Mr. CORMAN in five instances.
Mr. WALDIE in two instances.
Mr. JACOBS in two instances.
Mr. DOWNING in two instances.
Mr. HELSTOSKI in two instances.
Mr. WILLIAM D. FORD.
Mr. STEPHENS.
Mr. BENNETT in three instances.
Mr. ROSENTHAL in five instances.
Mr. DENT.
Mr. STEED in two instances.
Mr. VANIK in two instances.
Mr. BINGHAM in two instances.
Mr. FULTON of Tennessee in two instances.
Mr. ROGERS in five instances.
Mr. MURPHY of New York in two instances.
Mr. DORN in five instances.
Mr. KYROS.
Mr. CELLER.
Mr. BADILLO in two instances.
Mr. GRIFFIN in three instances.
Mr. ROY in two instances.
Mr. RODINO.
Mr. RANGEL.
Mr. RONCALIO in four instances.
Mr. SCHEUER in four instances.
Mr. MOORHEAD.
Mrs. GRIFFITHS in two instances.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 47. An act for the relief of Flore Lekanof;

S. 617. An act for the relief of Sin-Kei-Fong;

S. 1489. An act for the relief of Park Jung Ok; and

S. 1759. An act for the relief of Leonarda Buenaventura and her daughter Licila B. Ocariza.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on October 5, 1971, present to the President, for his approval, a bill of the House of the following title:

H.R. 8866. An act to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes.

ADJOURNMENT

Mr. BURLISON of Missouri. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 38 minutes p.m.), the House adjourned until tomorrow, Thursday, October 7, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

1192. Under clause 2 of rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Tariff Act of 1930, as amended, to effect certain administrative reforms; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MAHON: Committee on Appropriations. H.J. Res. 915. Joint resolution making a supplemental appropriation for the Department of Labor for the fiscal year 1972, and for other purposes (Rept. No. 92–550). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. H.J. Res. 916. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes (Rept. No. 92–551). Referred to the Committee of the Whole House on the State of the Union.

Mr. SISK: Committee on Rules. House Resolution 637. Resolution providing for the consideration of H.R. 10835, a bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes (Rept. No. 92–552). Referred to the House Calendar.

Mr. POAGE: Committee on Agriculture. H.R. 10458. A bill to broaden and expand the powers of the Secretary of Agriculture to cooperate with countries in the Western Hemisphere to prevent or retard communicable diseases of animals, where the Secretary deems such action necessary to protect the livestock, poultry, and related industries of the United States; with amendment (Rept. No. 92–553). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARRETT:

H.R. 11109. A bill to authorize expenditures to compensate low- and moderate-income homebuyers for defects in FHA mortgaged homes; to the Committee on Banking and Currency.

By Mr. BENNETT:

H.R. 11110. A bill to assist in combating crime by reducing the incidence of recidivism, providing improved Federal, State, and local correctional facilities and services, strengthening administration of Federal correction, strengthening control over probationers, parolees, and persons found not guilty by reason of insanity and for other purposes; to the Committee on the Judiciary.

By Mr. STAGGERS (for himself and Mr. SPRINGER):

H.R. 11111. A bill to amend the Federal Aviation Act of 1958 to provide civil penalties for certain aircraft hijack hoaxes; to provide felony penalties for carrying weapons aboard aircraft in certain circumstances, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BLACKBURN (for himself, Mr. SHOUP, Mr. RHODES, Mr. HALPERN, Mr. RANGEL, Mr. KEITH, Mr. DICKINSON, Mr. HARRINGTON, Mr. ALEXANDER, Mr. J. WILLIAM STANTON, Mr. JONES of Tennessee, Mr. SPENCE, Mr. BRASCO, Mr. BEVILL, Mr. DUNCAN, Mr. BOB WILSON, Mr. STEELE, Mr. MIZELL, Mr. CLEVELAND, Mrs. HICKS of Massachusetts, Mr. METCALFE, and Mr. SNYDER):

H.R. 11112. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. COLLIER:

H.R. 11113. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. DOW:

H.R. 11114. A bill to create a National Agricultural Bargaining Board, to provide

standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. FLOOD:

H.R. 11115. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, and for other purposes; to the Committee on Ways and Means.

By Mr. GARMATZ:

H.R. 11116. A bill to provide for orderly trade in iron and steel products; to the Committee on Ways and Means.

By Mr. GUDE:

H.R. 11117. A bill to amend the Internal Revenue Code of 1954 to provide that blood donations shall be considered as charitable contributions deductible from gross income; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 11118. A bill to assure an opportunity for occupational education (other than that resulting in a baccalaureate or advanced degree) to every American who needs and desires such education by providing financial assistance for postsecondary occupational education programs, and to strengthen the concept of occupational preparation, counseling, and placement in elementary and secondary schools, and for other purposes; to the Committee on Education and Labor.

By Mr. HOWARD:

H.R. 11119. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. ICHORD (for himself and Mr. PREYER of North Carolina):

H.R. 11120. A bill to repeal the Subversive Activities Control Act of 1950 (title I of the Internal Security Act of 1950), to establish procedures assuring that the constitutional oath of office shall be taken in good faith, and for other purposes; to the Committee on Internal Security.

By Mr. KOCH (for himself, Mr. CAREY of New York, Mr. ANNUNZIO, Mr. EILBERG, Mr. GREEN of Pennsylvania, Mrs. HICKS of Massachusetts, Mr. METCALFE, Mr. PRICE of Illinois, Mr. ST GERMAIN, Mr. CHARLES H. WILSON, and Mr. ROE):

H.R. 11121. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain emergency grants to assure adequate rapid transit and commuter railroad service in urban areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. MARTIN:

H.R. 11122. A bill to provide for the establishment of the George W. Norris Home National Historic Site in the State of Nebraska, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MATSUNAGA:

H.R. 11123. A bill to require that the prices charged for packaged alcoholic beverages in outlets on military installations be within 10 percent of the lowest prevailing rates charged therefor by local civilian outlets; to the Committee on Armed Services.

By Mr. MILLS of Arkansas:

H.R. 11124. A bill to amend section 103 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. RARICK:

H.R. 11125. A bill to require banks to pay interest on certain public moneys which are deposited by the Secretary of the Treasury in demand deposit accounts; to the Committee on Ways and Means.

By Mr. SCOTT (for himself, Mr. ABBITT, Mr. BROYHILL of Virginia, Mr. DANIEL of Virginia, Mr. DOWNING, Mr. POFF, Mr. ROBINSON of Virginia, Mr. SATTERFIELD, Mr. WAMPLER, Mr. WHITEHURST, Mr. SAYLOR, and Mr. WIDNALL):

H.R. 11126. A bill to authorize the Secretary of the Interior to establish the George Washington Boyhood Home National Historic Site in the State of Virginia; to the Committee on Interior and Insular Affairs.

By Mr. SMITH of New York:

H.R. 11127. A bill to permit suits to adjudicate disputed titles to lands in which the United States claims an interest; to the Committee on the Judiciary.

By Mr. STEIGER of Arizona:

H.R. 11128. A bill to authorize the partition of the surface rights in the joint use area of the 1882 Executive Order Hopi Reservation and the surface and subsurface rights in the 1934 Navajo Reservation between the Hopi and Navajo Tribes, to provide for allotments to certain Paiute Indians, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE of Texas:

H.R. 11129. A bill to provide for the conversion of Servicemen's Group Life Insurance to Veterans' Group Life Insurance, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. VANDER JAGT:

H.R. 11130. A bill to amend the Internal Revenue Code to designate the home of a State legislator for income tax purposes; to the Committee on Ways and Means.

By Mr. BADILLO (for himself, Mr. ABOUREZK, Mrs. ABZUG, Mr. ADDABBO, Mr. BAKER, Mr. BEGICH, Mr. BINGHAM, Mr. BLACKBURN, Mr. BRASCO, Mr. BRINKLEY, Mr. BROYHILL of North Carolina, Mr. BROYHILL of Virginia, Mr. BURTON, Mr. CARTER, Mr. CELLER, Mr. COLLINS of Illinois, Mr. DANIELSON, Mr. DAVIS of South Carolina, Mr. DENT, Mr. DIGGS, Mr. DRINAN, Mr. EILBERG, Mr. FAUNTROY, Mr. FORSYTHE, and Mr. FULTON of Tennessee):

H.R. 11131. A bill to amend the Education of the Handicapped Act to provide tutorial and related instructional services for homebound children through the employment of college students, particularly veterans and other students who themselves are handicapped; to the Committee on Education and Labor.

By Mr. BADILLO (for himself, Mrs. GRASSO, Mr. GRAY, Mr. GREEN of Pennsylvania, Mr. GUDE, Mr. HALPERN, Mr. HANSEN of Idaho, Mr. HARRINGTON, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mrs. HICKS of Massachusetts, Mr. HOGAN, Mr. KOCH, Mr. JACOBS, Mr. LEGGETT, Mr. LONG of Maryland, Mr. MADDEN, Mr. MATSUNGA, Mr. METCALFE, Mr. MIKVA, Mr. MIZELL, Mr. MOORHEAD, Mr. NIX and Mr. PATMAN):

H.R. 11132. A bill to amend the Education of the Handicapped Act to provide tutorial and related instructional services for homebound children through the employment of college students, particularly veterans and other students who themselves are handicapped; to the Committee on Education and Labor.

By Mr. BADILLO (for himself and Mr. PEPPER, Mr. PERKINS, Mr. PIKE, Mr. PRICE of Illinois, Mr. PRICE of Texas, Mr. RANGEL, Mr. REES, Mr. RODINO, Mr. ROSENTHAL, Mr. ROYBAL, Mr. RYAN, Mr. SCHEUER, Mr. SCHWENGEL, Mr. ST GERMAIN, Mr. STOKES, Mr. TAYLOR, Mr. TIERNAN, Mr. VIGORITO, Mr. WALDIE, Mr. WHITE, Mr. WHITEHURST, Mr. WOLFF, Mr. WRIGHT, and Mr. YATRON):

H.R. 11133. A bill to amend the Education of the Handicapped Act to provide tutorial and related instructional services for homebound children through the employment of college students, particularly veterans and other students who themselves are handicapped; to the Committee on Education and Labor.

By Mr. EDMONDSON (for himself and Mr. CAMP):

H.R. 11134. A bill to amend section 103 of the Internal Revenue Code of 1954 to increase the small issue exemption from the industrial development bond provision from $5 million to $8 million; to the Committee on Ways and Means.

By Mr. LENT:

H.R. 11135. A bill to amend the Outer Continental Shelf Lands Act, to establish a National Marine Mineral Resources Trust, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MATSUNAGA:

H.R. 11136. A bill to permit greater involvement of American medical organizations and personnel in the furnishing of health services and assistance to the developing nations of the world, and for other purposes; to the Committee on Foreign Affairs.

By Mr. PRICE of Texas:

H.R. 11137. A bill to amend the Natural Gas Act as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. PURCELL (for himself, and Mr. ABOUREZK, Mr. ANDREWS of North Dakota, Mr. FOLEY, Mr. LINK, Mr. ROY, and Mr. STEED):

H.R. 11138. A bill; Rural Development and Population Dispersion Act of 1971; to the Committee on Government Operations.

By Mr. QUIE:

H.R. 11139. A bill to amend title 37 of the United States Code in order to deem illegitimate children to be dependents under certain circumstances for purposes of paying quarters allowances; to the Committee on Armed Services.

By Mr. DOW:

H.R. 11140. A bill to end the economic crisis in America through a cessation of American military involvement in Indochina, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HUNT:

H.R. 11141. A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MAHON:

H.J. Res. 915. Joint resolution making a supplemental appropriation for the Department of Labor for the fiscal year 1972, and for other purposes; to the Committee on Appropriations.

H.J. Res. 916. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes; to the Committee on Appropriations.

By Mr. CAMP (for himself, Mr. BROYHILL of North Carolina, Mr. MEEDS, Mrs. DWYER, Mr. PASSMAN, Mr. SCHWENGEL, Mr. SKUBITZ, Mr. EDMONDSON, Mr. BELCHER, Mr. CRANE, Mr. STEED, and Mr. JARMAN):

H.J. Res. 917. Joint resolution authorizing the President to proclaim the week of April 2 through 8 of 1972, as "National Future Business Leaders of America and Phi Beta Lambda Week"; to the Committee on the Judiciary.

By Mr. EILBERG:

H.J. Res. 918. Joint resolution asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day"; to the Committee on the Judiciary.

By Mr. GARMATZ (for himself, Mr. MILLS of Maryland, Mr. SARBANES, Mr. HOGAN, Mr. BYRON, Mr. MITCHELL, Mr. GUDE, and Mr. LONG of Maryland):

H.J. Res. 919. Joint resolution granting the consent of Congress to certain boundary agreements between the States of Maryland and Virginia; to the Committee on the Judiciary.

By Mr. HOWARD:

H.J. Res. 920. Joint resolution to amend the Disaster Relief Act of 1970 to authorize disaster loans with respect to certain losses arising as the result of recent natural disasters, and for other purposes; to the Committee on Public Works.

By Mr. RARICK:

H.J. Res. 921. Joint resolution asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day"; to the Committee on the Judiciary.

By Mr. CELLER:

H. Con. Res. 417. Concurrent resolution to commend the Intergovernmental Committee for European Migration for sucessfully performing valuable humanitarian work on the occasion of its 20th anniversary; to the Committee on the Judiciary.

By Mr. DELANEY:

H. Con. Res. 418. Concurrent resolution calling for the American people to boycott all French products until the cost of the boycott to the French people exceeds the benefits to them of the drug traffic out of Marseilles; to the Committee on Ways and Means.

By Mr. RANGEL:

H. Con. Res. 419. Concurrent resolution expressing the sense of Congress that there should be a boycott in the United States of French-made products until the President determines France has taken successful steps to halt the processing of heroin and its exportation to the United States; to the Committee on Ways and Means.

By Mr. WOLFF (for himself, Mrs. ABZUG, Mr. BRADEMAS, Mr. DRINAN, Mr. DELLUMS, Mr. FAUNTROY, Mr. HELSTOSKI, Mrs. MINK, Mr. MITCHELL, Mr. MOSS, Mr. RYAN, Mr. SCHEUER, Mr. STOKES, Mr. TIERNAN, and Mr. KOCH):

H. Res. 638. Resolution directing the Secretary of State to furnish to the House of Representatives certain information concerning the role of our Government in the events leading to an uncontested presidential election in South Vietnam on October 3, 1971; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRETT:

H.R. 11142. A bill for the relief of Carlo and Elvira Viola; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.R. 11143. A bill for the relief of Stanley Bialowas, Jr.; to the Committee on the Judiciary.

By Mr. GRAY:

H.R. 11144. A bill for the relief of Lawrence C. Henk; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 11145. A bill for the relief of Mitchell L. Balutski; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

JUDICIAL RESTRAINT?

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, October 6, 1971

Mr. BYRD of Virginia. Mr. President, the September 23 edition of the Bristol, Va., Herald Courier included an interesting editorial on my proposed constitutional amendment which would require periodic reconfirmation by the Senate of those named to the Federal judiciary.

The editorial states, and I agree, that regardless of the outcome of my proposal, the debate over the status of the Federal judiciary is worthy of the attention of all Americans.

I ask unanimous consent that the editorial, "Judicial Restraint?," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JUDICIAL RESTRAINT?

Sen. Harry F. Byrd, Jr. has made a reasonable proposal with reference to service on the U.S. Supreme Court, though it is not a proposal which is likely to win approval—not anytime soon, at least.

The senator, through a constitutional amendment, would subject members of the Supreme Court to congressional review every eight years by the Senate Judiciary Committee.

Those who passed scrutiny would be reconfirmed for another eight years; those who did not would be replaced. Gone would be the lifetime appointments which have always been tendered members of the nation's highest court.

In what might be termed an understatement, Sen. Byrd points out that "everyone should be subject to some review."

He adds: "The federal judiciary is the only group in the world—except for some kings or dictators or sultans or something—that does not have to answer to someone."

Sen. Byrd decided to introduce the constitutional amendment after concluding that the "era of judicial self-restraint appears to be over."

He has "enormous respect for the men who drafted our Constitution 184 years ago," and believes that "had the Supreme Court followed the role designed for it by those framers of the Constitution, an amendment such as this would be unnecessary."

However, he said, "not even the strongest of the Federalists ever suggested that the federal courts should, or could, extend federal law into the domain reserved for the states and the legislative branch of government."

But, he continued, the federal judiciary has, in large measure, rejected the doctrine of self-restraint and, "accountable to no one, has run rampant in asserting its authority over the daily lives of all Americans."

Sen. Byrd points out that every state sets fixed terms for the members of its judiciary, and only the federal government appoints judges for life.

Of course, such appointments also apply to federal judges at levels below the Supreme Court, and it is not clear whether Sen. Byrd's proposed amendment would subject them also to congressional review.

The danger, of course, is that Supreme Court justices might be subjected to pressures and, thus, not render decisions in an objective manner. But it must also be recognized that a great many of the high court's decisions in recent years have been as much subjective as they have been objective.

As we noted in the beginning, Sen. Byrd's proposal probably will not be approved by Congress and then submitted to the states for ratification—at least, not for many years to come, if then. But he has pointed clearly to a failing in the present system and he has suggested a remedy.

When and if Congress gets around to considering that suggestion, the debate, itself, should be worth the careful attention of all Americans.

NATION'S DETERIORATING DEFENSES: MOST PRESSING PROBLEM OF OUR TIME

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, October 6, 1971

Mr. BYRD of Virginia. Mr. President, the Cincinnati Enquirer recently published an interesting account of the recent colloquy on the floor of the Senate concerning the military posture of the United States.

This article, reprinted on September 25 in the Lynchburg News, contains cogent quotations from the several Senators who took the floor to stress the continuing need for maintaining a strong national defense.

I ask unanimous consent that the article, "Most Pressing Problem of Our Time," be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NATION'S DETERIORATING DEFENSES: MOST PRESSING PROBLEM OF OUR TIME

Shortly before Congress recessed last Friday, seven lawmakers took the Senate floor and sought, at some length and in some detail, to alert Congress—and the nation—to the growing disparity between U.S. military power and that of the Soviet Union.

The colloquy was, in the words of Sen. Hugh Scott (R-Pa.), the Senate minority leader (who was not among the colloquy's participants), "a noteworthy attempt to call the attention of the Senate to the need to strengthen the President's hand."

It was that, to be sure. But it was also a reminder of all Americans that neither in national defense nor any other field of endeavor is a margin of superiority permanent.

Let the senators speak for themselves:

"The security of the United States," said Sen. James L. Buckley (Con.-R.N.Y.), "is endangered to a degree unparalleled in its modern history. If present trends continue much longer, the ability of the President of the United States to support U.S. foreign-policy objectives in Europe, the Middle East, in Asia and even in the Caribbean will be in jeopardy because of the precipitate erosion of U.S. strategic power in the late 1960s and early 1970s."

"The United States virtually halted any increase in strategic strength during the entire decade of the 1960s," said Sen. Peter H. Dominick (R-Colo.), "while the Soviets devoted enormous sums and energy to the mushroom growth of their economic power. In relative terms, the United States is far weaker in relation to the Soviet Union than at any time during the past 25 years and